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THE FACTORY AND TRUCK ACTS.

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The Diseases of Workmen.

Being a Treatise on the Diseases set out in the Third Schedule of the Workmen's Compensation Act, 1906, and dealt with in the Order of the Secretary of State, dated 22nd May, 1907, extending the provisions of the Workmen's Compensation Act, 1906, to certain industrial diseases. By

T. LUSON, Esq., M.D.,

M.R.C.S. (Eng.), F.R.C.S. (Edin.),

Medical Referee under the Workmen's Compensation Act,

AND

R. HYDE, Esq., M.R.C.S.

WITH AN INTRODUCTION BY HIS HONOUR

JUDGE RUEGG, K.C.

Post 8vo.

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BUTTERWORTH & CO., 11 & 12, BELL YARD, LONDON.

THE
FACTORY AND TRUCK ACTS,

BY THE LATE
ALEXANDER REDGRAVE, C.B.,
Her late Majesty's Chief Inspector of Factories, etc.

Eleventh Edition.

BY
CHARLES F. LLOYD,
*Of the Inner Temple and Midland Circuit,
Barrister-at-Law.*

Statutory Orders, Regulations, Special Rules
and Forms

REVISED BY
W. PEACOCK,
Of the Home Office.

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Dedication of the First Edition.

TO THE RIGHT HONOURABLE
RICHARD ASSHETON CROSS, M.P.,
Secretary of State for the Home Department,

THIS EDITION OF THE ACT
WHICH CONSOLIDATES THE NUMEROUS AND VARYING REGULATIONS
HITHERTO IN FORCE,
AND WHICH, UNDER HIS GUIDANCE,
HAS LAID DOWN A COMPLETE CODE FOR REGULATING LABOUR,
AND PROMOTING SANITARY IMPROVEMENT
AND EFFICIENT EDUCATION,
IS, WITH HIS PERMISSION, MOST RESPECTFULLY INSCRIBED
BY HIS OBEDIENT SERVANT,

ALEX. REDGRAVE.

Whitehall, 1878.

PREFACE

TO THE ELEVENTH EDITION.

THE alterations in the law introduced by the Factory and Workshop Act, 1907, the Notice of Accidents Act, 1906, and the Employment of Women Act, 1907, together with the ever increasing mass of Regulations for Dangerous Trades and Special Orders, have rendered a new edition of this book necessary.

Besides the Acts mentioned above, the Shop Clubs Act, 1902, has been inserted among the Truck Acts, where it seems to belong, the Shops Regulation Acts have been completed by the addition of the Shop Hours Act, 1904, and the Seats for Shop Assistants Act, 1899, and those sections of the Census of Production Act, 1906, which affect the Factory Acts, have been included in the Appendix.

The Notes and Index have been revised, the Introduction rewritten, and all material decisions of the Superior Courts, and all Regulations and Special Orders, reported and published between June, 1904 (the date of the last edition), and the 1st January, 1909, have, it is believed, been included.

These additions involved either a considerable increase in the size and cost of the book or the omission of some of the matter which was included in the last edition. After much consideration it has been decided to leave out the Tabular Analysis and the Employers' Liability and Workmen's Compensation Acts, the former of which was probably used by few readers, and the latter have such a great body of case law attached to them that the mere unannotated text of the statutes can be of little practical utility. The historical notes to each section have been replaced by a second Comparative Table (which will be found at p. xxxiii), from which can be seen at a glance which sections of the repealed Acts correspond to each provision of those at present in force.

After the body of the Book had been set up in type, the White Phosphorus Matches Prohibition Act, 1908, and the Education (Scotland) Act, 1908, received the Royal Assent, and Regulations for the use of East Indian Wool, Vitreous Enamelling and use of Electricity were published. These and the Voluntary Regulations for Wall Paper Manufacture, Bronzing and Tar Distilling have been included in a Second Appendix.

CHARLES F. LLOYD.

W. PEACOCK.

4 CROWN OFFICE ROW,
TEMPLE.

January, 1909.

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INTRODUCTION TO THE FACTORY ACTS.

HISTORICAL SKETCH.

THE first germ of factory legislation in this country is to be found in the Act 42 Geo. 3, c. 73, passed in 1802, which provided for the cleansing and ventilation of cotton mills and factories, and for the clothing, hours of labour, and religious education of apprentices employed therein. Nothing further was done till 1819, but from that year to 1856 by a succession of Acts a system of regulations as to the safety, hours, mealtimes and holidays of children, young persons and women was gradually built up on the same general lines as those which exist to-day.

Up to this point the legislation had only affected what are now known as textile industries, and a few others allied to them, but by Acts passed in 1864 and 1867 certain non-textile factories and workshops were for the first time included.

During the first three quarters of the nineteenth century the course of legislation was from hand to mouth. Whenever new regulations were required, or defects appeared in old ones, or fresh classes of workers seemed to need protection, an Act of Parliament was passed *ad hoc*, with the result that in 1875 the law as to factories and workshops consisted of a perfect chaos of regulations contained in nineteen different statutes. In that year the whole subject was considered by a Royal Commission, whose report, published in 1876, led to the Factory and Workshop Act, 1878, by which all the parts of the puzzle were fitted together in logical sequence with such alterations as were deemed desirable.

No sooner, however, had that Act been passed than further extensions of the law were found necessary. Additional legislation took place in 1883, 1889, 1891, 1895 and 1897, which restored the old state of chaos and

rendered it necessary to do the work of 1878 over again. This was done by the Act of 1901, which (subject to the alterations which it in its turn has received in 1903, 1906 and 1907) is, therefore, a complete code of the law relating to Factories and Workshops.

EFFECT OF FACTORY LEGISLATION.

Places to which the Act applies.

The Act applies to “factories” and “workshops.” The only short way of defining the difference between the two is to say that a place where a manufacturing process is carried on is a factory if mechanical power is used, and a workshop if it is not (see s. 149) ; but, as will be seen, this is by no means universally accurate.

The factories to which the Act applies are either textile or non-textile.

Textile factories are places in which any of the processes mentioned in the first part of s. 149 are carried on, and in which mechanical power is used. Typical examples are spinning and weaving factories. Speaking generally, textile industries are more injurious to health than others, and the regulations affecting them are more stringent.

Non-textile factories consist (a) of the places mentioned in Sched. VI., Part 1, whether mechanical power is used or not ; (b) of the places mentioned in Sched. VI., Part 2, provided that mechanical power is used ; and (c) all places where (to summarise the definition in s. 149) manual labour is exercised by way of trade or for purposes of gain in a manufacturing process aided by mechanical power. These definitions overlap, for class (c) obviously includes most of the others.

Two other classes of factories are mentioned in the Act : tenement factories, that is factories occupied by different persons, but within the same building and supplied with power from a common source (see. s. 149), and domestic factories, that is non-textile factories of class (a) above where no mechanical power is used, and where the only persons employed are members of the same family living there (see s. 115). To each of these special regulations are applied.

Workshops are places which would be non-textile factories of classes (b) or (c) above if mechanical power were used, provided, in the case of class (c), that the employer of the persons working there has the right of access or control. Special regulations are made for the following classes of workshops : Men's workshops, *i.e.*, workshops where only male adults are employed (s. 157) ; women's workshops, *i.e.*, workshops where only adults of either sex are employed (s. 29) ; domestic workshops, *i.e.*, workshops where the only persons employed are members of the same family dwelling there (ss. 111—115), and tenement workshops, *i.e.*, places where two or more persons work, and which would be workshops if the workers were in the employment of the owner or occupier (ss. 14, 82, 149).

Besides factories and workshops, some of the provisions of the Act are made applicable to docks, wharves, quays and warehouses (s. 104), certain buildings (s. 105) and private railway lines or sidings used in connection with factories (s. 106) ; and certain regulations are made as to places where work is done by outworkers (ss. 107—110).

Workpeople to whom the Act applies.

A great distinction is drawn between adult males and all other classes of workers. Men are supposed to be able to take care of themselves, and, speaking generally, the only parts of the Act which apply to them are those relating to health and safety, such as cleanliness and ventilation, fencing of machinery, means of escape in case of fire, and regulations for dangerous trades.

The other classes of workers are women (*i.e.*, females of eighteen years and upwards), young persons (*i.e.*, persons from fourteen to eighteen), and children (*i.e.*, those under fourteen). Children of thirteen who have obtained an educational certificate may, however, be treated as young persons.

Women and young persons, who for the most part are treated alike, receive the protection of the general provisions as to health and safety mentioned above, together with a great number of special regulations designed to the same end. Their working hours are exactly defined, provision is made for meal-times and for holidays, and stringent conditions are imposed upon overtime work.

Children are naturally the most favoured class of all. They receive the same protection as the other classes, though their hours are shorter and the provisions for their health and safety more stringent. Their employer, as well as their parents, is bound to see that they are properly educated. No child under twelve may be employed in a factory or workshop at all, the age having been gradually raised from eight, the figure at which it stood in the earliest Factory Acts.

EPITOME OF THE ACT OF 1901.

The following paragraphs give a brief outline of the main provisions of the Act. For a detailed reference to the sections the reader is referred to the "Arrangement of Sections," *post*, pp. 1—7,

The first part of the Act is headed "Health and Safety." Sections 1—9, which deal with health, enact that factories and workshops must be kept clean and sweet, properly ventilated, and not overcrowded. A reasonable temperature must be maintained, wet floors must be drained, and proper sanitary conveniences provided. As to safety, ss. 10—18 provide that certain machinery must be fenced, steam boilers be kept in proper condition and periodically examined, and means of escape in case of fire provided. Restrictions are placed upon the use of self-acting machines, and cleaning machinery in motion; the doors of the factory or workshop must open from the inside, and the use of dangerous machinery or premises may be prohibited. Sections 19—22, which deal with accidents, have been altered and extended by the Notice of Accidents Act, 1906. All serious accidents must be notified to the inspector, and in some cases to the certifying surgeon, and powers are given for holding investigations into their cause.

Part II. is headed "Employment." Sections 23—35 fix the hours of work, mealtimes and holidays of women, young persons and children in textile and non-textile factories and workshops respectively, ss. 36—48 allow these to be varied in certain cases, and ss. 49—56 regulate overtime and night work. The Home Secretary is also empowered to make Special Orders authorising exceptional hours of work in certain industries. Sections 61—67 prohibit the employment of children under twelve, and of females within four weeks after childbirth, and compel occupiers of factories

to obtain medical certificates of the fitness for employment of young persons under sixteen and children employed by them.

Part III. (ss. 68—72) is headed “Education,” and imposes upon the employer, as well as the parent, of a child the obligation of seeing that he attends school.

Part IV., “Dangerous and Unhealthy Industries,” contains ss. 73—86. It compels the notification of certain industrial diseases, imposes special conditions upon employment in certain specified industries, and empowers the Home Secretary to make regulations for the safety of persons employed in all dangerous trades. It should be observed that somewhat similar powers were given him by the Acts of 1891 and 1895, and that the necessary sections of those Acts, and the “Special Rules” made thereunder, are temporarily kept alive by Sched. 7, Part II., of the Act of 1901.

Part V., “Special Modifications and Extensions,” deals with two classes of industries, those in which additional regulations are required, and those to which part only of the general law is applied. In the first class are tenement factories (ss. 87—89), cotton cloth and other humid factories (ss. 90—96), and bakehouses (ss. 97—102), and in the second, docks, wharves, quays and warehouses (s. 104), buildings (s. 105), and railways used in connection with factories (s. 106). By s. 103 (now repealed) laundries were included in the second class, but the Factory Act, 1907, has now brought them within the general law, though special modifications are allowed in the case of laundries forming part of certain charitable or reformatory institutions.

Part VI., “Home Work” (ss. 107—115), directs that lists of outworkers shall be kept in certain trades, and prohibits work in premises which are unwholesome, or in which there is infectious disease. It also prescribes the conditions of labour in domestic factories and workshops, permitting a very considerable latitude.

Part VII., “Particulars of Work and Wages” (ss. 116, 117), is designed to prevent piece workers in certain trades from being cheated over their wages. Such particulars of the work to be done and of the scale of remuneration must be furnished as will enable the worker to check his wages for himself.

Part VIII., "Administration," deals first with the appointment, powers and duties of Factory Inspectors and Certifying Surgeons (ss. 118—124). It then gives certain powers to local authorities (s. 125), and lays down the procedure for making and publishing the Special Orders by which the Home Secretary can extend or curtail the application of the Act to particular industries (s. 126). By ss. 127—134 it directs occupiers of factories and workshops to notify the inspector of such occupation, to fix up in the works an abstract of the Act and certain other information, and to keep a register of various particulars as to employment, health and accidents, and, when required, to make periodical returns of persons employed by them. Duties are also imposed upon district councils and their medical officers.

Part IX., "Legal Proceedings" (ss. 135—148), fixes the punishment for infringements of the Act, and the procedure for enforcing it.

Part X., "Supplementary," contains a number of miscellaneous provisions, such as definitions, application of the Act to Crown Factories, and to London, Scotland and Ireland, and repeal of former Acts.

SUBSEQUENT LEGISLATION.

During the seven years which have elapsed since the Act of 1901 came into operation, six statutes have been passed which affect the law relating to factories and workshops. Their effect is, shortly, as follows :

The Employment of Children Act, 1903 (3 Edw. 7, c. 45), prohibits the employment of children in lifting heavy weights, or in any dangerous or unhealthy occupation, or, while engaged as "half-timers" under the Factory Act, in any other occupation whatever.

The Notice of Accidents Act, 1906 (6 Edw. 7, c. 53), repeals s. 19 of the Act of 1901, and substitutes a more stringent set of provisions as to notice of accidents. In particular, notice may be ordered of certain "dangerous occurrences," even though no bodily injury is caused by them.

The Census of Production Act, 1906 (6 Edw. 7, c. 49), authorises a small alteration in the time for sending in returns of persons employed, prescribed by s. 130 of the Act of 1901.

The Factory and Workshop Act, 1907 (7 Edw. 7, c. 39), which repeals s. 103 of the Act of 1901, brings what may be termed "commercial laundries" under the general law, making them non-textile factories if power is used, and workshops if it is not. It allows women to work a certain amount of overtime, and makes special regulations as to ventilation, etc. It also applies the Act, subject to many modifications, to work such as needlework, embroidery and laundry work carried on in charitable and reformatory institutions, unless the institution is already subject to Government inspection, or the work is done for the sole use of its inmates. The laundries of private houses are, of course, outside the Factory Acts altogether.

The Employment of Women Act, 1907 (7 Edw. 7, c. 10), repeals s. 57 of the Act of 1901, which allowed unrestricted labour by women in certain flax scutch mills, in order to bring the law of the United Kingdom into conformity with the rules laid down by the Berne Convention of 1906.

The White Phosphorus Matches Prohibition Act, 1908 (8 Edw. 7, c. 42), which will come into force on January 1st, 1910, prohibits the use of white or yellow phosphorus in the manufacture of matches, and the sale or importation of matches so made.

The material portions of all the above Acts will be found in the body of the book or in the Appendix.

COMPARATIVE TABLES OF REPEALED ACTS AND ACT OF 1901.

The following tables are designed to show at a glance the sections of the Act of 1901 corresponding to each section of the Repealed Acts. It must be borne in mind that in a great many instances modifications have been introduced, and the comparison must, therefore, not be taken to be more than a general one.

TABLE No. I.

ACT OF 1878.	ACT OF 1901.	ACT OF 1878.	ACT OF 1901.
Section.	Section.	Section.	Section.
3 	1.	35 	100.
4 	5.	36 	74.
5 	10.	37 	76.
6 { <i>Repealed by</i>		38 	77.
7 { <i>Act of 1891.</i>		39 	78.
8 }		40 	28.
9 	12, 13.	41 	66.
10 	23.	42 { <i>Repealed by</i>	
11 	24.	42 { <i>Act of 1895.</i>	
12 	25.	43 	36.
13 	26.	44 	37.
14 	27.	45 	38.
15 	26.	46 	43.
16 	111, 115.	47 	44.
17 	33.	48 	39.
18 { <i>Repealed by</i>		49 	45.
18 { <i>Act of 1891.</i>		50 	47.
19 	32.	51 	48.
20 { <i>Repealed by</i>		52 	40.
20 { <i>Act of 1891.</i>		53 	49.
21 	34.	54 	51.
22 	35.	55 	53.
23 	68.	56 	50.
24 	69.	57 	52.
25 	70.	58 	54.
26 	71.	59 	56.
27 	63, 64.	60 	55.
28 	65.	61 	29, 111.
29 	67.	62 	57.
30 	63, 64.	63 	58.
31 { <i>Repealed by</i>		64 	59.
31 { <i>Act of 1891.</i>		65 	126.
32 	20, 124.	66 	60.
33 	1.	67 	118.
34 	99.	68 	119.

COMPARATIVE TABLE No. I.

ACT OF 1878.	ACT OF 1901.	ACT OF 1878.	ACT OF 1901.
Section. 69 { <i>Repealed by</i> <i>Act of 1891.</i>	Section. 121, 139.	Section. 88 143.	Section. 143.
70 123.	71 122.	89 144.	144.
72 64.	73 124.	90 145.	145.
74 127.	75 32.	91 146.	146.
76 129.	77 128.	92 147.	147.
78 148.	79 117.	93 149, 150.	149, 150.
80 135.	81 136.	94 152.	152.
82 137.	83 138.	95 72.	72.
83 139.	84 140.	96 156.	156.
84 141.	85 142.	97 114.	114.
86 143.	87 144.	98 114.	114.
87 145.	88 146.	99 142.	142.
		100 41, 158.	41, 158.
		101 1.	1.
		102 161.	161.
		103 (<i>spent</i>).	
		104 134, 159, 160.	134, 159, 160.
		105 159.	159.
		106 160.	160.
		107 161.	161.

ACT OF 1883.	ACT OF 1901.	ACT OF 1883.	ACT OF 1901.
Section. 1 } 2 } <i>Not re-</i> 3 } <i>enacted.</i> 4 } 5 } 6 } 7 } 8 } <i>Repealed by</i> 9 } <i>Act of 1891.</i> 10 }	Section.	Section. 11 } <i>Repealed by</i> 12 } <i>Act of 1891.</i> 13 49, 50. 14 25, 27. 15 97. 16 98. 17 102. 18 102, 153, 154. 19 159. 20 160.	Section. 49, 50. 25, 27. 97. 98. 102. 102, 153, 154. 159. 160.

ACT OF 1889.	ACT OF 1901.	ACT OF 1889.	ACT OF 1901.
(<i>Cotton Cloth.</i>) Section. 4 90. 5 90. 6 91. 7 92. 8 93. 9 7.	Section. 90. 90. 91. 92. 93. 7.	(<i>Cotton Cloth.</i>) Section. 10 93. 11 93. 12 { <i>Repealed by</i> <i>Act of 1891.</i> 13 95.	Section, 93. 93. 95.

ACT OF 1891.			ACT OF 1901.			ACT OF 1891.			ACT OF 1901.		
Section.			Section.			Section.			Section.		
1	...	...	4.			20	...	...	134.		
2	...	...	5.			21	...	...	111.		
3	...	...	2, 125, 133.			22	...	...	21.		
4	...	...	2.			23	...	...	118.		
5	...	...	1.			24	{ <i>Repealed by Act of 1895.</i>				
6	...	...	10.			25				119.	
7	...	...	14.			26	...	...	127.		
8	...	...	79, 80, 81, 82.			27	...	...	107.		
9	...	...	85.			28	...	...	119, 135, 137.		
10	{ <i>Not re- enacted.</i>					29	...	...	146.		
11			86.			30	...	...	147.		
12	...	...	86.			31	...	...	149.		
13	...	...	29.			32	...	...	41.		
14	...	...	60.			33	...	...	159.		
15	...	...	30.			34	...	...	35.		
16	...	...	35.			35	...	...	159, 160.		
17	...	...	61.			36	...	...	102.		
18	...	...	62.			37	...	...	115, 156.		
19	...	...	122.			38	...	...	Sched. 6, Pt. I.		

ACT OF 1895.			ACT OF 1901.			ACT OF 1895.			ACT OF 1901.		
Section.			Section.			Section.			Section.		
1	...	...	3.			22	...	...	103.		
2	...	...	18.			23	...	...	104, 105.		
3	...	...	5.			24	...	...	87, 149.		
4	...	...	17.			25	...	...	88.		
5	...	...	108.			26	...	...	89.		
6	...	...	109.			27	...	...	99, 100, 101.		
7	...	...	10.			28	...	...	79.		
8	...	...	13.			29	...	...	73.		
9	...	...	12.			30	...	...	75.		
10	...	...	14, 16.			31	...	...	96.		
11	...	...	14.			32	...	...	6.		
12	{ <i>Not re- enacted.</i>					33	...	...	74.		
13			136.			34	...	...	130.		
14	...	...	49, 50, 54, 55, 58.			35	...	...	9.		
15	...	...	129.			36	...	...	26, 27.		
16	...	...	31.			37	...	...	49.		
17	...	...	35.			38	...	...	54.		
18	...	...	19.			39	...	...	151.		
19	...	...	21.			40	...	...	116.		
20	...	...	129.			41	...	...	127.		
21	...	...	22.			42	...	...	107.		
						43	...	...	129.		
						44	...	...	127.		

ACT OF 1895.			ACT OF 1901.		
Section.			Section.		
45			119.		
46			122, 124.		
47			126.		
48 } <i>Obsolete.</i>			50		
49 }			51		
			52		
			53		
			141.		
			120.		
			160.		
			156, 161.		
			ACT OF 1897.		
			ACT OF 1901.		
			(Cotton Cloth.)		
			Not re-enacted.		
			—		

COMPARATIVE TABLE No. II.

This table is the converse of the preceding one. It gives the history of each section of the present Factory Acts by showing from what sections of the repealed Acts it was derived. The figures in heavy type refer to the Factory and Workshop Acts of 1878, 1883, 1891 and 1895, and the Cotton Cloth Factories Acts of 1889 and 1897.

ACT OF 1901.			REPEALED ACTS.	ACT OF 1901.			REPEALED ACTS.
Section.			Section.	Section.			Section.
1	...	...	{ 1878, 3, 33 ; 1891, 3, 5.	24	...	...	1878, 11.
2	...	...	1891, 4.	25	...	...	{ 1878, 12 ; 1883, 14.
3	...	...	1895, 1.	26	...	...	{ 1878, 13, 15 ; 1895, 36.
4	...	...	1891, 1.				{ 1878, 14 ; 1883, 14 ; 1895, 36 (3).
5	...	...	{ 1878, 4 ; 1891, 2 ; 1895, 3.	27	...	...	1878, 40.
6	...	...	1895, 32.	28	...	...	{ 1878, 61 ; 1891, 13.
7	...	...	New.	29	...	...	1891, 15.
8	...	...	New.	30	...	...	1895, 16.
9	...	...	1895, 35.	31	...	...	1878, 19, 76.
10	...	...	{ 1878, 5 ; 1891, 6 (2) ; 1895, 7 (1).	32	...	...	1878, 17.
11	...	...	New.	33	...	...	1878, 21.
12	...	...	{ 1878, 9 ; 1895, 9 (1), (2).	34	...	...	{ 1878, 22 ; 1891, 16, 33, 34 ; 1895, 17.
13	...	...	{ 1878, 9 ; 1895, 8.	35	...	...	1878, 43.
14	...	...	{ 1891, 7 ; 1895, 10 (4), (5), 11.	36	...	...	1878, 44.
15	...	...	New.	37	...	...	1878, 45.
16	...	...	1895, 10 (2), (3).	38	...	...	{ 1878, 48, and Sched. 3, Part VII.
17	...	...	1895, 4.	39	...	...	{ 1878, 40, and Sched. 3, Part II.
18	...	...	1895, 2.	40	...	...	{ 1878, 100 (2) ; 1891, 32.
19	{ Now replaced by Notice of Accidents Act. }		1895, 18.	41	...	...	New.
20	...	...	1878, 32.	42	...	...	1878, 46.
21	...	...	{ 1891, 22 (3) ; 1895, 19.	43	...	...	1878, 47.
22	...	...	1895, 21.	44	...	...	1878, 49.
23	...	...	1878, 10.	45	...	...	1895, 16 (6).
				46	...	...

ACT OF 1901.			REPEALED ACTS.	ACT OF 1901.			REPEALED ACTS.
Section.			Section.	Section.			Section.
47	...	...	1878, 50(1),(2).	78	...	...	{ 1878, 39, and Sched. 2.
48	...	...	1878, 51.	79	...	...	{ 1891, 8 ; 1895, 28.
49	...	...	{ 1878, 53, and Sched. 3, Part III.(b) ; 1883, 13 ; 1895, 14, 37. 1878, 56, and Sched. 3, Part V. ;	80	...	...	{ 1891, 8, and Sched. 1. 1891, 8(4), and Sched. 1. 1891, 8(7) ; 1895, 24(3), 28.
50	...	...	{ 1883, 13 ; 1895, 14. 1878, 54, and Sched. 3, Part IV.	81	...	...	{ 1891, 8(7) ; 1895, 24(3), 28. 1895, 28 (1). 1895, 28 (1). 1891, 9 (1). 1895, 11.
51	...	...	{ 1878, 57. 1878, 55. 1878, 58, and Sched. 3, Part VI. ; 1895, 14(4), 38. 1878, 60 ; 1895, 14(6),(7).	82	...	...	{ 1895, 24(1).(4), (5). 1895, 25. 1895, 26. 1889, 4, 5. 1889, 6. 1889, 7. 1889, 8, 10, 11.
52	...	...	1878, 57.	83	...	...	{ An Order of Feb. 2, 1898, made under the Act of 1897.
53	...	...	1878, 55.	84	...	...	1889, 13.
54	...	...	{ 1878, 58, and Sched. 3, Part VI. ; 1895, 14(4), 38. 1878, 60 ; 1895, 14(6),(7).	85	...	...	1895, 31 (1).
55	...	...	{ 1878, 59 ; 1895, 14 (5). 1878, 62. 1878, 63 ; 1895, 14 (3).	86	...	...	{ 1883, 15 ; 1895, 27 (2). 1883, 16. 1878, 34 ; 1895, 27. 1878, 35 ; 1895, 27. 1895, 27 (3). 1878, Sched. 4, Part II.(22) ; 1883, 17 ; 1891, 36.
56	...	...	1878, 62.	87	...	...	{ 1895, 22. 1895, 23 (1). 1895, 23. New. 1891, 27 ; 1895, 42. 1895, 5. 1895, 6. New. 1878, 16, 61. New.
57 (<i>Now repealed</i>)	...	...	1878, 63 ;	88	...	...
58	...	...	{ 1895, 14 (3). 1878, 64. 1878, 66 ; 1891, 14 ; 1895, 14 (1). 1891, 17. 1891, 18. 1878, 27, 30. 1878, 27, 30, 73.	89	...	...
59	...	...	1878, 64.	90	...	...
60	...	...	{ 1878, 66 ; 1891, 14 ; 1895, 14 (1). 1891, 17. 1891, 18. 1878, 27, 30. 1878, 27, 30, 73.	91	...	...
61	...	...	1891, 17.	92	...	...
62	...	...	1891, 18.	93	...	...
63	...	...	1878, 27, 30.	94	...	...
64	...	...	{ 1878, 27, 30, 73.	95	...	...
65	...	...	1878, 28.	96	...	...
66	...	...	1878, 41.	97	...	...
67	...	...	1878, 29.	98	...	...
68	...	...	1878, 23.	99	...	...
69	...	...	1878, 24.	100	...	...
70	...	...	1878, 25.	101	...	...
71	...	...	1878, 26.	102	...	...
72	...	...	1878, 95.	103	{ <i>Replaced by Act of 1907.</i>		
73	...	...	1895, 29.	104	...	...
74	...	...	{ 1878, 36 ; 1895, 33. 1895, 30. 1878, 37. 1878, 38, and Sched. 1 ; 1891, 18.	105	...	...
75	...	...	1895, 30.	106	...	...
76	...	...	1878, 37.	107	...	...
77	...	...	{ 1878, 38, and Sched. 1 ; 1891, 18.	108	...	...
				109	...	...
				110	...	...
				111	...	...
				112	...	...

ACT OF 1901.			REPEALED ACTS.	ACT OF 1901.			REPEALED ACTS.
Section.			Section.	Section.			Section.
113	...	...	New.	140	...	...	1878, 86.
114	...	...	{ 1878, 97, 98, and Sched. 5.	141	...	...	{ 1878, 87 ; 1895, 50.
115	...	...	{ 1878, 16 ;	142	...	...	1878, 99.
116	...	...	{ 1891, 37 (2).	143	...	...	1878, 88.
117	...	...	1895, 40.	144	...	...	1878, 89.
118	...	...	1878, 80.	145	...	...	1878, 90.
			{ 1878, 67 ;				{ 1878, 91(4),(5), (6) ;
119	...	...	{ 1891, 23.	146	...	...	{ 1891, 29 ; 1895, 44.
			{ 1878, 68 ;				{ 1878, 92 ; 1891, 30.
120	...	...	{ 1891, 28 ;	147	...	...	1878, 79.
121	...	...	{ 1895, 45.	148	...	...	{ 1878, 93 ; 1891, 31 ; 1895, 24.
122	...	...	1895, 51.	149	...	...	1878, 93.
123	...	...	1878, 70.	150	...	...	1895, 39.
			{ 1878, 72 ;	151	...	...	1878, 94.
124	...	...	{ 1891, 19 ;	152	...	...	1891, 7 (4).
125	...	...	{ 1895, 46 (1).	153	...	...	New.
126	...	...	1878, 71.	154	...	...	New.
			{ 1878, 32, 74 ;	155	...	...	{ 1878, 22, 26, 96 ; 1891, 37 ; 1895, 53.
127	...	...	{ 1895, 46 (2),(3).	156	...	...	{ 1878, 93 ; 1895, 18, 21, 28.
128	...	...	1891, 3 (2).	157	...	...	1878, 100 (1).
			{ 1878, 65 ;	158	...	...	1878, 105.
129	...	...	{ 1895, 47.	159	...	...	1878, 106.
130	...	...	{ 1878, 75 ;	Schedule 1	...	...	1891, Sched. 1.
131	...	...	{ 1891, 26 ;	Schedule 2	...	...	{ 1878, Sched. 3, Part III. ; 1895, 37 (2).
132	...	...	{ 1895, 44.	Schedule 3	...	...	1895, Sched. 1.
133	...	...	1878, 78.	Schedule 4	...	...	{ 1889, Sched. A. ; an Order of Apr. 27, 1893 ; 1897, Sched. B.
134	...	...	{ 1878, 77 ;	Schedule 5	...	...	{ 1878, 74 (2) ; 1895, Sched. 2.
135	...	...	{ 1895, 15, 20, 43.	Schedule 6	...	...	1878, Sched. 4.
136	...	...	1895, 34.				
137	...	...	New.				
138	...	...	New.				
139	...	...	1891, 3 (3).				
			1891, 20.				
			{ 1878, 81 ;				
			{ 1891, 28.				
			{ 1878, 82 ;				
			{ 1891, 28 ;				
			{ 1895, 13.				
			{ 1878, 83 ;				
			{ 1891, 28.				
			1878, 84.				
			1878, 70, 85.				

ADDENDUM.

The following case was reported too late to be included in the body of the book :

In *Verney v. Mark Fletcher & Sons, Limited*, [1909] 1 K. B. 444, an inspector visited a factory in May, 1905, and March, 1908, and on each occasion found that a fly-wheel was not fenced as required by s. 10. On July 1st, 1908, he found that it was still unfenced, and on July 22nd he commenced proceedings under s. 135. The justices thought that s. 146 (1) had not been complied with, because the information had not been laid within three months after the offence came to the knowledge of the inspector, and dismissed the case, but the King's Bench Division held that the information was in time, and remitted the case for conviction.

THE FACTORY ACTS.

THE FACTORY AND WORKSHOP ACT, 1901.

(1 EDW. 7, c. 22.)

ARRANGEMENT OF SECTIONS.

Part I.

HEALTH AND SAFETY.

(i) *Health.*

Section.

1. Sanitary condition of factory.
2. Sanitary condition of workshops and workplaces.
3. Overcrowding of factory or workshop.
4. Power of Secretary of State to act in default of local authority.
5. Powers of inspector as to sanitary defects in factory or workshop remediable by sanitary authority.
6. Temperature in factories and workshops.
7. Ventilation.
8. Drainage of floors.
9. Sanitary conveniences in factories and workshops.

(ii) *Safety.*

10. Fencing of machinery.
11. Steam boilers.
12. Regulations as to self-acting machines.
13. Restrictions on cleaning when machinery is in motion.
14. Provision of means of escape in case of fire.
15. Byelaws for means of escape from fire.
16. Doors of factory or workshop to open from inside.
17. Power to make order as to dangerous machine.
18. Power to make order as to unhealthy or dangerous factory or workshop.

(iii) *Accidents.*

19. Notice of accidents causing death or bodily injury.
20. Investigation of and report on accidents by certifying surgeon.
21. Inquest in case of death by accident in factory or workshop.
22. Power to direct formal investigation of accidents.

Part II.

EMPLOYMENT.

(i) Hours and Holidays.

Section.

23. Restrictions on period of employment of women, young persons, and children.
24. Hours of employment in textile factories—young persons and women.
25. Hours of employment in textile factories—children.
26. Hours of employment in non-textile factories and workshops—young persons and women.
27. Hours of employment in non-textile factories and workshops—children.
28. Hours of employment in print works and bleaching and dyeing works.
29. Special provisions as to employment in women's workshops.
30. Special provision as to eight hours employment of women and young persons.
31. Restriction on employment inside and outside factory or workshop on same day.
32. Notice fixing hours of employment, etc.
33. Meal times to be simultaneous, and employment during meal times forbidden.
34. Prohibition of Sunday employment.
35. Annual holidays and half-holidays.

(ii) Special Exceptions as to Hours and Holidays.

36. Employment between 9 a.m. and 9 p.m. in certain cases.
37. Employment of male young persons above sixteen in lace factories.
38. Employment of male young persons above sixteen in bakehouses.
39. Five hours' spell in certain textile factories.
40. Different meal times for different sets, and employment during meal times.
41. Special exceptions as to fish and fruit preserving.
42. Special exceptions as to creameries.
43. Substitution of another day for Saturday.
44. Saturday employment in Turkey red dyeing.
45. Holidays on different days for different sets.
46. Employment inside and outside on the same day.
47. Hours and holidays in factory or workshop of Jewish occupier.
48. Sunday employment of Jews in factory or workshop of Jewish occupier.

Overtime.

Section.

- 49. Overtime employment of women for press of work.
- 50. Overtime employment of women on perishable articles.
- 51. Overtime employment on incomplete process.
- 52. Overtime employment in factories driven by water.
- 53. Overtime employment in Turkey red dyeing and open-air bleaching.

Night Work.

- 54. Night employment of male young persons of fourteen.
- 55. Night employment of male young persons of fourteen in glass works.
- 56. Night employment of male young persons of sixteen in printing newspapers.

Intermittent Employment.

- 57. Exemption for certain flax scutch mills.

Supplemental.

- 58. Power to impose sanitary requirements as condition of special exceptions.
- 59. Power to rescind orders as to special exceptions.
- 60. Notices, registers, etc., relating to special exceptions.

(iii) Fitness for Employment.

- 61. Prohibition of employment of women after childbirth.
- 62. Prohibition of employment of children under twelve.
- 63. Certificates of fitness for employment of young persons under sixteen and children in factories.
- 64. Regulations as to grant of certificate of fitness.
- 65. Power to obtain certificates of fitness for employment in workshops.
- 66. Power to require certificates of fitness for employment in certain workshops.
- 67. Power of inspector to require surgical certificate of capacity for work.

Part III.

EDUCATION OF CHILDREN.

- 68. Attendance at school of children employed in factory or workshop.
- 69. Obtaining of school attendance certificate by occupier.
- 70. Payment by occupier of sum for schooling.
- 71. Employment as young person of child of thirteen on obtaining educational certificate.
- 72. Definitions of "certified efficient school," and "recognized efficient school."

Part IV.

DANGEROUS AND UNHEALTHY INDUSTRIES.

(i) *Special Provisions.*

Section.

- 73. Notification of certain diseases contracted in factory or workshop.
- 74. Provision as to ventilation by fan in certain factories and workshops.
- 75. Lavatories and meals in certain dangerous trades.
- 76. Restrictions as to employment in wet-spinning.
- 77. Prohibition of employment of young persons and children in certain factories and workshops.
- 78. Prohibition of taking meals in certain parts of factories and workshops.

(ii) *Regulations for Dangerous Trades.*

- 79. Power to make regulations for safety of persons employed in dangerous trades.
- 80. Procedure for making regulations.
- 81. Inquiries.
- 82. Application of regulations.
- 83. Provisions which may be made by regulations.
- 84. Regulations to be laid before Parliament.
- 85. Breach of regulations.
- 86. Publication of regulations.

Part V.

SPECIAL MODIFICATIONS AND EXTENSIONS.

(i) *Tenement Factories.*

- 87. Duties of owner of tenement factory.
- 88. Regulations as to grinding of cutlery in tenement factory.
- 89. Certificate of fitness in tenement factory.

(ii) *Cotton Cloth and other Humid Factories.*

- 90. Temperature and humidity.
- 91. Power to alter table of humidity.
- 92. Employment of thermometers.
- 93. Notices and inspections where humidity is artificially produced.
- 94. Regulations for the protection of health.
- 95. Penalties for non-compliance.
- 96. Application of foregoing provisions to other humid factories.

(iii) *Bakehouses.*

Section.

- 97. Sanitary regulations for bakehouses.
- 98. Penalty for bakehouse being unfit on sanitary grounds.
- 99. Limewashing, painting, and washing of bakehouses.
- 100. Provision as to sleeping places near bakehouses.
- 101. Prohibition of underground bakehouses.
- 102. Enforcement of law as to retail bakehouses by sanitary authorities.

(iv) *Laundries.*

- 103. Application of Act to laundries.

(v) *Docks.*

- 104. Application of certain provisions to docks.

(vi) *Buildings.*

- 105. Application of certain provisions to buildings.

(vii) *Railways.*

- 106. Application of certain provisions to railway sidings.

Part VI.

HOME WORK.

- 107. List of outworkers to be kept in certain trades.
- 108. Employment of person in unwholesome premises.
- 109. Making of wearing apparel where there is scarlet fever or small-pox.
- 110. Prohibition of home work in places where there is infectious disease.
- 111. Application of Act to domestic factories and workshops.
- 112. Dangerous processes in domestic factories and workshops.
- 113. Abstracts for domestic factories and workshops.
- 114. Non-application of Act to certain domestic workshops.
- 115. Definitions of "domestic factory" and "domestic workshop."

Part VII.

PARTICULARS OF WORK AND WAGES.

- 116. Particulars of work or wages to be given to piece workers.
- 117. Inspection of weights and measures used in ascertaining wages.

Part VIII.

ADMINISTRATION.

(i) *Inspection.*

- 118. Appointment and duties of inspectors and clerks and servants.
- 119. Powers of inspectors.

6 THE FACTORY AND WORKSHOP ACT, 1901.

Section.

- 120. Right of inspector to conduct proceedings before magistrates.
- 121. Certificate of appointment of inspector.

(ii) *Certifying Surgeons.*

- 122. Appointment and duties of certifying surgeons.
- 123. When poor law medical officer is to act as certifying surgeon.
- 124. Fees of certifying surgeons.

(iii) *Local Authorities.*

- 125. Powers of local authorities and their officers.

(iv) *Special Orders.*

- 126. Provisions as to special orders of Secretary of State.

(v) *Notices, Registers, and Returns.*

- 127. Notice of occupation of factory or workshop.
- 128. Affixing of abstract and notices.
- 129. General registers.
- 130. Periodical return of persons employed.
- 131. Registers of workshops.
- 132. Report of medical officer of health on administration of Act.

Miscellaneous Provisions.

- 133. Notice by medical officer of health of employment of woman, young person, or child in workshops.
- 134. Certificate of birth in case of young persons under sixteen and children.

Part IX.

LEGAL PROCEEDINGS.

- 135. Fine for not keeping factory or workshop in conformity with Act.
- 136. Fines in case of death or injury.
- 137. Fine for employing persons contrary to Act.
- 138. Fine for offence by parent.
- 139. Forgery of certificates, false entries, and false declarations.
- 140. Fine on person actually committing offence for which occupier is liable.
- 141. Power of occupier to exempt himself from fine on conviction of the actual offender.
- 142. Owner of machine liable in certain cases instead of occupier.
- 143. Limit to cumulative fines.
- 144. Prosecution of offences and recovery and application of fines.
- 145. Appeal to quarter sessions.

Section.

- 146. Limitation of time and general provisions as to summary proceedings.
- 147. Evidence in summary proceedings.
- 148. Service of notices and documents, etc.

Part X.

SUPPLEMENTARY.

(i) *Application and Definitions.*

- 149. Factories and workshops to which Act applies.
- 150. Application to Crown factories and workshops.
- 151. Power to treat separate branches as separate factories or workshops.
- 152. Definition of employment and working for hire.
- 153. Application of Act to London.
- 154. Application of Act to county boroughs.
- 155. Saving for existing powers of district councils.
- 156. General definitions.
- 157. Men's workshops.
- 158. Saving for young persons employed in repairs.

(ii) *Application of Act to Scotland and Ireland.*

- 159. Application of Act to Scotland.
- 160. Application of Act to Ireland.

(iii) *Repeal, etc.*

- 161. Repeal of Acts.
- 162. Commencement of Act.
- 163. Short title.

SCHEDULES.

THE FACTORY AND WORKSHOP ACT, 1901.

(1 EDW. 7, c. 22.)

*An Act to consolidate with Amendments the Factory and
Workshop Acts.* [17th August 1901.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

HEALTH AND SAFETY.

(i) HEALTH.

1. *Sanitary condition of factory.*—(1) The following provisions shall apply to every factory as defined by this Act, except a domestic factory (*a*) :

(a) It must be kept in a cleanly state ;

(b) It must be kept free from effluvia arising from any drain, water-closet, earth-closet, privy, urinal or other nuisance (*b*) ;

(c) It must not be so overcrowded (*c*) while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein ;

(d) It must be ventilated (*d*) in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health.

(2) The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory to which this section applies (*e*).

(3) For the purpose of securing the observance of the requirements in this section as to cleanliness in factories, all the inside walls of the rooms of a factory, and all the ceilings or tops of those rooms (whether those walls, ceilings or tops are plastered or not), and all the passages and staircases of a factory, if they have not been painted

with oil or varnished once at least within seven years, shall (subject to any special exceptions made in pursuance of this section (*f*)) be limewashed once at least within every fourteen months, to date from the time when they were last limewashed; and, if they have been so painted or varnished, shall be washed with hot water and soap once at least within every fourteen months, to date from the time when they were last washed.

(4) Where it appears to the Secretary of State that in any class of factories or parts thereof the provisions of this section with respect to limewashing or washing are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by Special Order (*g*) grant to that class of factories or parts thereof a special exception that the said provisions shall not apply thereto (*h*).

(5) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (*i*).

Special sanitary regulations for bakehouses are made by ss. 97—102, *post*.

(a) **Definitions.**—For definitions of the terms “factory” and “domestic factory,” see s. 149, *post*, p. 184, and s. 115, *post*, p. 142.

(b) **Sanitary Conveniences.**—The provision of sufficient and suitable accommodation in the way of sanitary conveniences is dealt with by s. 9, *post*, p. 20.

(c) **Overcrowding** is defined in s. 3, *post*, p. 14.

(d) **Ventilation.**—Further provisions relating to ventilation are contained in ss. 7 and 74, *post*, pp. 18, 94.

(e) **Non-application of Public Health Act, 1875.**—Section 91 of the Public Health Act, 1875, contains provisions relating to cleanliness, ventilation, and overcrowding in factories, workshops, and workplaces, which are similar to the provisions of this section, and are enforceable under that Act by the sanitary authority for the district in which the factory, workshop, or workplace is situated. It is, however, the intention of the legislature that as far as factories (speaking generally) are concerned, their supervision, in the matter of cleanliness, ventilation, and overcrowding, shall be in the hands of the factory inspector, and not of the local sanitary authority, and accordingly this sub-section provides that s. 91 of the Public Health Act, 1875, shall not apply “to any factory to which this section applies,” *i.e.*, to any factory as defined by the Act, except a domestic factory. On the other hand, the immediate supervision of workshops (again speaking generally) as regards cleanliness, etc., is retained in the hands of the local

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sanitary authority by virtue of s. 2, *infra*, power being nevertheless given to the factory inspector by ss. 4 and 5 to interfere, in certain events, where the duties of the local authority are not satisfactorily performed. See further, as to this, ss. 2, 4, 5, *post*, and the notes thereto.

(*f*) **Special Exceptions**—*i.e.*, special exceptions granted by the Secretary of State under sub-s. (4). It may be observed that whereas limewashing and washing are rendered compulsory by this section in all factories except domestic factories and factories specially exempted by order of the Secretary of State, they are not compulsory in the first instance in the case of workshops, although they can be made so on the certificate of a medical officer of health or inspector of nuisances. See s. 2 (3) below, and the notes thereto. For limewashing of bakehouses, see s. 99, *post*, p. 115, and for whitewashing of cotton cloth factories, s. 94, *post*, p. 110.

(*g*) **Special Orders**.—See s. 126, *post*, p. 163.

(*h*) **Factories exempt from Limewashing**.—By the consolidating and amending Order of the Secretary of State dated November 2nd, 1903, exemptions from the requirements with respect to limewashing or washing were granted to the factories and parts of factories enumerated in the Schedules below, subject to the following provisos :

- (1) that the special exception shall not apply to any part of a factory included in Schedule A. which does not afford clear 500 cubic feet, or to any part of a factory included in Schedule B. which does not afford clear 2,500 cubic feet, for each person employed therein ;
- (2) that the exception shall not apply to mess rooms, engine-houses, fitting shops, or sanitary conveniences, except as regards walls or tops made of glazed bricks, tiles, glass, slate, marble, or galvanized iron, and washed with water and soap once at least within every fourteen months ;
- (3) that nothing in this order shall be taken to affect the obligation of keeping the factory in a cleanly state, as prescribed by s. 1 (1).
- (4) that if it appear to an inspector that any part of a factory to which the exception applies is not in a cleanly state, he may, by written notice, require the occupier to lime-wash or wash the same ; and in the event of the occupier failing to comply with such requisition within two months from the date of the notice, the special exception shall cease to apply to such part of a factory.

SCHEDULE A.

Blast furnaces.

Iron mills.

Copper mills.

Stone, slate and marble works.

Brick and tile works in which unglazed bricks or tiles are made.

Cement works.

Chemical works.

Gas works.

Flax scutch mills in which neither children nor young persons are employed.

Sugar factories.

The following parts of factories :

Rooms used for the storage of articles, and not for the constant carrying on therein of any manufacturing process.

Parts in which dense steam is continuously evolved in the process of manufacture.

Parts in which pitch, tar, or like material is used, except in brush works.

Parts in which unpainted or unvarnished wood is manufactured.

The part of a glass factory known as the glass house.

Parts in which there are no glazed windows in the walls or roof.

Walls, or tops of rooms which are made of glazed bricks, tiles, glass, slate, marble, or galvanized iron, on condition that they are washed with water and soap once at least within every fourteen months.

Tops of rooms, which are at least twenty feet from the floor.

Tops of rooms—

- (1) in print works, bleach works, or dye works, with the exception of finishing rooms or warehouses ; or
- (2) in grist mills ; or
- (3) in works in which are carried on the processes of—
Agricultural implement making ;
Coach making ;
Engraving ;
Manufacture of starch, soap, candles ;
Salting, tanning or dressing of hides and skins.

SCHEDULE B.

Shipbuilding works.

Gun factories.

Engineering works.

Electric generating works.

Frame dressing rooms of lace factories.

Foundries other than foundries in which brass casting is carried on.

(i) **Penalty.**—For penalty, see s. 135, *post*, p. 172. In the case of tenement factories the owner and not the occupier is the person liable (s. 87, *post*, p. 104).

2. Sanitary condition of workshops and workplaces.]—

(1) The provisions of section ninety-one of the Public Health Act, 1875 (*a*), with respect to a factory, workshop

or workplace (*b*) not kept in a cleanly state, or not ventilated (*c*), or overcrowded (*d*), shall apply to every factory, workshop and workplace, except any factory to which the last preceding section applies (*e*).

(2) Every workshop and every workplace within the meaning of the Public Health Act, 1875, must be kept free from effluvia arising from any drain, water-closet, earth-closet, privy, urinal or other nuisance, and, unless so kept, shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health (*f*).

(3) Where, on the certificate of a medical officer of health or inspector of nuisances, it appears to any district council that the limewashing, cleansing or purifying of any such workshop or of any part thereof is necessary for the health of the persons employed therein, the council shall give notice in writing to the owner or occupier of the workshop to limewash, cleanse or purify the same or part thereof, as the case may require (*g*).

(4) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine (*h*) not exceeding ten shillings for every day during which he continues to make default, and the council may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

(5) This section shall not apply to any workshop or workplace to which the Public Health (London) Act, 1891, applies (*i*).

Sections 1 and 2 deal with the sanitary condition of factories and workshops respectively. The latter specifically applies the provisions of s. 91 of the Public Health Act, 1875, to workshops, and thereby places their supervision in the hands of the district councils. It also adds certain provisions not contained in s. 91 of the Public Health Act, 1875, of a similar kind to those enforceable by the inspector in the case of factories. In the case of workshops in London, the provisions of the Public Health (London) Act, 1891, replace the provisions of this section. Crown factories and workshops alike are under the supervision of the inspector (s. 150).

The net result is that the sanitary regulations of s. 1 (relating to factories) and of this section (relating to workshops) are nearly identical, the main difference being that while limewashing and washing are compulsory in factories other than domestic factories, unless a special exemption is granted, they are not compulsory in the first instance in workshops, though they can be made so upon

the certificate of a medical officer of health or inspector of nuisances. Furthermore, the supervision of the sanitary condition of a factory is in the hands of the factory inspector, while that of a workshop is in the first instance given to the local authority, provision being nevertheless made by ss. 4, 5, *post*, whereby the inspector may interfere in certain events, if the local authority fail in the due performance of their duties.

(a) **The Public Health Act, 1875.**—Section 91 of the Public Health Act, 1875, which is set out in the Appendix, *post*, p. 372, contains the same provisions as those of s. 1 (1) (a), (c), (d), *supra*, and enacts that a factory, workshop, or workplace in which they are not observed shall be deemed to be a nuisance liable to be dealt with summarily. On being informed of the existence of a nuisance (s. 94), the local authority are to serve a notice upon the offender, or, if he cannot be found, upon the owner or occupier of the premises, requiring the nuisance to be abated, and they may, under certain circumstances, abate it themselves. If the notice is not complied with (s. 95), or is likely to recur, the local authority may summon the person upon whom the notice was served before a justice, and the justice (s. 96) may then order the nuisance to be abated and prohibit its recurrence, and may also impose a penalty of £5 and costs. If the notice or order is not obeyed (s. 98), the offender is liable to a penalty of 10s. a day during his default, and the local authority may abate the nuisance themselves and recover the cost summarily from the offender.

In Scotland, the Public Health (Scotland) Act, 1897, and in Ireland the Public Health (Ireland) Act, 1878, replace the Public Health Act, 1875. See ss. 159, 160, *post*.

(b) **Workplace.**—In *Bennett v. Harding*, [1900] 2 Q. B. 397 ; 64 J. P. 676 ; 69 L. J. Q. B. 701 ; 83 L. T. 51 ; 48 W. R. 647, GRANTHAM and CHANNELL, JJ., held that a stableyard and stables at which 110 horses and many cabs were kept, and to which many cabmen went every day to hire cabs, was a “workplace.”

(c) **Ventilation.**—Further provisions as to ventilation are contained in ss. 7 and 74, *post*, and, as regards laundries, in s. 3 of the Act of 1907.

(d) **Overcrowding** is defined in s. 3, *infra*.

(e) **Application.**—The last preceding section applies to “every factory as defined by this Act except a domestic factory,” and therefore apparently the only factory to which this section can apply is a domestic factory. There are certain places, docks, wharves, etc., buildings in course of construction, and railway sidings (ss. 104—106), which are not “factories as defined by this Act,” but to which certain provisions are applied as if they were factories. Those provisions, however, do not include the provisions relating to health, and therefore as regards sanitary matters, cleanliness, etc., these places are not factories at all, and cannot be intended to be referred to here.

(*f*) **Sanitary Conveniences.**—This provision, corresponding to s. 1 (1) (*b*), *supra*, is not contained in s. 91 of the Public Health Act, 1875, and is therefore specially enacted here. The provision of sufficient and suitable accommodation in the way of sanitary conveniences is dealt with by s. 9, *post*, and also by the following sections of the Public Health Acts: (1) Section 38 of the Act of 1875, or alternatively s. 22 of the Public Health Acts Amendment Act, 1890. (2) Section 38 of the Public Health (London) Act, 1891. These sections of the Public Health Acts are set out in the Appendix, pp. 371—375, *post*.

(*g*) **Limewashing.**—As has been already pointed out, this sub-section contains the only matter in which there is a substantial variation between the sanitary regulations applicable to factories and those applicable to workshops. Limewashing and washing are compulsory in the former, except in the case of those specially exempted; in the latter they are not compulsory at the outset, but can be made so under this sub-section. It may be noted also that where the district council decide that limewashing or washing is necessary they may give the requisite notice either to the owner or the occupier of the workshop, whereas in the case of a factory (other than a tenement factory), the occupier alone is liable. For the corresponding expressions to “district council,” “medical officer of health,” etc., in the application of this Act to Scotland or Ireland, see ss. 159, 160, *post*.

(*h*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

(*i*) **Workshops in London.**—The Public Health (London) Act, 1891, contains provisions (including provisions as to limewashing and washing) which are practically identical with those of s. 91 of the Act of 1875, as amplified by this section (see Appendix, *post*), and consequently it is unnecessary to apply this section to workshops in London.

3. Overcrowding of factory or workshop.]—(1) A factory shall, for the purposes of this Act (*a*), and a workshop shall, for the purposes of the law relating to public health (*b*), be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at one time in the room a proportion less than two hundred and fifty or, during any period of overtime (*c*), four hundred cubic feet of space to every person.

(2) Provided that the Secretary of State may, by Special Order (*d*), modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes, and may, by like order (*d*), as regards any particular manufacturing process or handi-

craft, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.

(3) Where a workshop or workplace, not being a domestic workshop, is occupied by day as a workshop and by night as a sleeping apartment, the Secretary of State may, by Special Order, modify the proportion of cubic feet of space prescribed by this section and substitute therefor any higher figures, and thereupon this section shall have effect as modified by the order (*e*).

(4) There shall be affixed in every factory and workshop a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of this section.

(a) **Overcrowding in Factories.**—See s. 1 (1) (*c*), *supra*.

(b) **Overcrowding in Workshops.**—See s. 91 of the Public Health Act, 1875, and s. 2 of the Public Health (London) Act, 1891, in the Appendix, *post*, pp. 372, 373.

(c) **Overtime.**—See ss. 49—53, *post*, pp. 69—74.

(d) **Special Order.**—By Order dated December 30th, 1903, the proportion of cubic feet of space to be provided in certain bakehouses has been modified as follows :

(1) as regards underground bakehouses by substituting “five hundred cubic feet of space to every person” for “two hundred and fifty cubic feet of space to every person” ; and

(2) as regards bakehouses (other than such as are underground) where work is carried on at night by artificial light other than electric light by substituting in respect of the period between 9 in the evening and 6 in the succeeding morning “four hundred cubic feet of space to every person” for “two hundred and fifty cubic feet of space to every person.”

(e) **Workshop used as Sleeping Place.**—The power given to the Secretary of State by this sub-section does not extend to domestic workshops, which are defined in s. 115, *post*, p. 142. It has been exercised by an Order dated January 17th, 1902, which fixes the proportion at four hundred cubic feet.

4. Power of Secretary of State to act in default of local authority.]—(1) If the Secretary of State is satisfied that the provisions of this Act, or of the law relating to public health in so far as it affects factories, workshops and workplaces, have not been carried out by any district council, he may, by order (*a*), authorise an inspector to

take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.

(2) An inspector authorised in pursuance of this section shall, for the purpose of his duties thereunder, have the same powers with respect to workshops and workplaces as he has with respect to factories, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act or of the law relating to public health, or for punishing or remedying any default, as might be taken by the district council; and he shall be entitled to recover from the district council all such expenses in and about any proceedings as he may incur and as are not recovered from any other person.

(a) **Order.**—No Order is at present (January, 1909) in force under this section.

5. Powers of inspector as to sanitary defects in factory or workshop remediable by sanitary authority.]—(1) Where it appears to an inspector that any act, neglect or default in relation to any drain, water-closet, earth-closet, privy, ashpit, water supply, nuisance or other matter in a factory or workshop is punishable or remediable under the law relating to public health, but not under this Act (a), that inspector shall give notice in writing of the act, neglect or default to the district council in whose district the factory or workshop is situate, and it shall be the duty of the district council to make such inquiry into the subject of the notice, and take such action thereon, as seems to that council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

(2) An inspector may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances or other officer of the district council.

(3) Where notice of an act, neglect or default is given by an inspector under this section to a district council, and proceedings are not taken within one month for punishing or remedying the act, neglect or default, the inspector may take the like proceedings for punishing or remedying the same as the district council might have taken, and shall be entitled to recover from the district council all such expenses in and about the proceedings

as the inspector incurs and as are not recovered from any other person and have not been incurred in any unsuccessful proceedings.

This section ensures the proper carrying out of the provisions of the Public Health Acts with regard to sanitary conveniences in cases where the Factory Act does not apply ; for the inspector, even if he be powerless to act himself in the first instance in the case of any matter which is properly within the province of the district council, can bring the matter before their notice, and then, if they do not attend to it within a month, can take proceedings himself.

(a) **Matters remediable under Public Health Acts.**—Such a case would arise, for instance, in a workshop in which the provisions of s. 2 (2), *supra*, had not been complied with, or in factories or workshops to which the provisions of s. 9, *infra*, do not apply. See sub-s. (4) of s. 9 and the notes thereto.

In *Tracey v. Pretty*, [1901] 1 Q. B. 444 ; 70 L. J. Q. B. 234, it was held that when an inspector takes proceedings under this section in an urban district the justices have no jurisdiction to inquire into the suitability or sufficiency of the sanitary accommodation existing at the factory or required by the inspector, but are bound to inflict a penalty if the notice has not been complied with. The court expressed an opinion that if the factory owner is dissatisfied with the notice he may appeal to quarter sessions under s. 7 of the Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59), and there raise the question of the sufficiency of the accommodation.

The same rule would apply if the proceedings were taken by the sanitary authority.

This applies only to districts in which Part 3 of the Public Health Acts Amendment Act, 1890, has been adopted, and to the administrative county of London. In all other districts the Secretary of State is to determine what accommodation is to be deemed suitable and sufficient. See s. 9 (2), *post*, p. 20.

6. Temperature in factories and workshops.]—(1) In every factory and workshop adequate measures must be taken for securing and maintaining a reasonable temperature (a) in each room in which any person is employed ; but the measures so taken must not interfere with the purity of the air of any room in which any person is employed.

(2) The Secretary of State may, by Special Order (b), direct, with respect to any class of factories or workshops, that thermometers be provided, maintained and kept in working order, in such place and position as may be specified in the order.

(3) A factory or workshop in which there is any contravention of this section, or of any order under this section, shall be deemed not to be kept in conformity with this Act (c).

The words "but the measures so taken must not interfere with the purity of the air of any room in which any person is employed" were inserted in consequence of the decision in *Deane v. Beach* (K. B. D., June 13th, 1901, unreported), in which RIDLEY and BIGHAM, JJ., held that it was no offence under s. 32 of the Act of 1895 to bring a room to a reasonable temperature by lighting the gas and stopping all ventilation. The section does not apply to men's workshops (s. 157, *post*, p. 198). Special provision for the regulating the temperature in laundries is made by s. 3 of the Act of 1907, *post*, p. 232. It is doubtful whether it applies to domestic factories and workshops. See s. 111 (4) (e), *post*, p. 140. It should be noted that the provisions of this section, though they relate to health, are enforceable in workshops by the inspector, and not by the district council.

(a) **Reasonable Temperature.**—This is a question of fact, depending *inter alia* upon the nature of the work carried on, and upon the season of the year. In *Deane v. Barnes* (1901), 65 J. P. 235, a metropolitan police magistrate (Mr. Curtis Bennett) held that 50—55 was not a reasonable temperature for a dressmakers' workroom in winter, and that it should be at least 60 degrees.

(b) **Special Order.**—No Order is at present (January, 1909) in force under this section.

(c) **Penalty.**—For penalty, see s. 135, *post*, p. 172.

7. Ventilation.]—(1) In every room in any factory or workshop sufficient means of ventilation shall be provided, and sufficient ventilation shall be maintained.

(2) The Secretary of State may, by Special Order (a), prescribe a standard of sufficient ventilation for any class of factories or workshops, and that standard shall be observed in all factories and workshops of that class; and an order made under this power may supersede any provision of this Act (b) or order of the Secretary of State with respect to ventilation in cotton cloth factories.

(3) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health (c).

(4) If the occupier of a factory or workshop (including a cotton cloth factory in which humidity of the atmosphere is artificially produced) alleges that the whole or part of the expenses of providing the means of ventilation required by this Act ought to be borne by the owner, he may, by complaint, apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case (*d*), regard being had to the terms of any contract between the parties.

This section enables the Secretary of State to prescribe a standard of sufficient ventilation in any class of factory or workshop in which he thinks the establishment of such a standard to be necessary. It does not apply to domestic factories or workshops (s. 111, *post*, p. 138) or to men's workshops (s. 157, *post*, p. 198). Special provision for the ventilation of laundries is made by s. 3 of the Act of 1907, *post*, p. 232.

(a) **Special Order.**—An Order made on February 4th, 1902, provides that the means of ventilation to be provided and maintained in every textile factory (not being a cotton cloth factory) in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and in which special rules or regulations with respect to humidity are not for the time being in force, shall be such as to supply during working hours not less than 600 cubic feet of fresh air per hour for each person employed.

(b) **Supersession of other Provisions.**—See s. 94 (3), *post*, p. 111.

(c) **Penalty.**—For penalties for not keeping a factory in conformity with the Act, see s. 135, *post*, p. 172. For penalties in respect of nuisances under the Public Health Acts, and the procedure for recovering them, see note (a) to s. 2, *ante*, p. 13.

(d) **Effect of Sub-section.**—This sub-section is almost identical with s. 101 (8), *post*, p. 117, and is similar to s. 14 (4), *post*, p. 29. The effect and meaning of this peculiar provision is discussed in the notes to those sections, which will be found at pp. 31, 32, 119, and are applicable here *mutatis mutandis*.

8. Drainage of floors.]—(1) In every factory or workshop or part thereof in which any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, adequate means shall be provided for draining off the wet.

(2) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health (*a*).

This section does not apply to men's workshops (s. 157, *post*, p. 198), nor to domestic factories or workshops (s. 111, *post*, p. 138). Special provision for the drainage of floors in laundries is made by s. 3 (c) of the Act of 1907, *post*, p. 232.

(*a*) **Penalty.**—See s. 135, *post*, p. 172, and note (*a*) to s. 2, *ante*, p. 13.

9. Sanitary conveniences in factories and workshops.]
—(1) Every factory and workshop must be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in, or in attendance at, the factory or workshop, and also where persons of both sexes are, or are intended to be, employed or in attendance, with proper separate accommodation for persons of each sex.

(2) The Secretary of State shall, by Special Order (*a*), determine what is sufficient and suitable accommodation within the meaning of this section.

(3) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (*b*).

(4) This section does not apply to the administrative county of London (*c*), or to any place where section twenty-two of the Public Health Acts Amendment Act, 1890, is in force (*d*).

This section does not apply to men's workshops (s. 157, *post*, p. 198). It should be observed that this section, like s. 6, *supra*, is directly enforceable (except in the cases excepted by sub-s. (4)) by the inspector in workshops as well as in factories, although a sanitary provision.

(*a*) **Special Order.**—By Order dated February 4th, 1903, the Secretary of State has determined that the accommodation in the way of sanitary conveniences provided in a factory or workshop shall be deemed to be sufficient and suitable within the meaning of this section if the following conditions are complied with, and not otherwise :

1. In factories or workshops where females are employed or in attendance there shall be one sanitary convenience for every twenty-five females.

In factories or workshops where males are employed or in attendance there shall be one sanitary convenience for every twenty-five males : provided that—

- (a) in factories or workshops where the number of males employed or in attendance exceeds one hundred, and sufficient urinal accommodation is also provided, it shall be sufficient if there is one sanitary convenience for every twenty-five males up to the first hundred, and one for every forty after ;
- (b) in factories or workshops where the number of males employed or in attendance exceeds five hundred, and the district inspector of factories certifies in writing that by means of a check system, or otherwise, proper supervision and control in regard to the use of the conveniences are exercised by officers specially appointed for that purpose it shall be sufficient if one sanitary convenience is provided for every sixty males, in addition to sufficient urinal accommodation. Any certificate given by an inspector shall be kept attached to the general register, and shall be liable at any time to be revoked by notice in writing from the inspector.

In calculating the number of conveniences required by this Order, any odd number of persons less than twenty-five, forty, or sixty, as the case may be, shall be reckoned as twenty-five, forty, or sixty.

2. Every sanitary convenience shall be kept in a cleanly state, shall be sufficiently ventilated and lighted, and shall not communicate with any workroom except through the open air or through an intervening ventilated space ; provided that in workrooms in use prior to 1st January, 1903, and mechanically ventilated in such manner that air cannot be drawn into the workroom through the sanitary convenience, an intervening ventilated space shall not be required.

3. Every sanitary convenience shall be under cover and so partitioned off as to secure privacy, and if for the use of females shall have a proper door and fastenings.

4. The sanitary conveniences in a factory or workshop shall be so arranged and maintained as to be conveniently accessible to all persons employed therein at all times during their employment.

5. Where persons of both sexes are employed, the conveniences for each sex shall be so placed or so screened that the interior shall not be visible, even when the door of any convenience is open, from any place where persons of the other sex have to work or pass ; and, if the conveniences for one sex adjoin those for the other sex, the approaches shall be separate.

Of course this Order does not apply to any of the places excepted by sub-s. (4).

(b) **Penalty.**—See s. 135, *post*, p. 172.

(c) **Exception of Administrative County of London.**—The Public Health (London) Act, 1891, contains, in s. 38, similar

provisions to those of this section. See Appendix, *post*. The effect of this exception, therefore, is simply to assign the duty of seeing that there is sufficient accommodation in factories, etc. in London, to the local authority instead of to the inspector. It may be observed, however, that the inspector has still power to interfere, by virtue of s. 5, *supra*, where the local authority do not perform their duty satisfactorily. It may also be observed that under the Act of 1891, either the owner or the occupier may be proceeded against, and that the penalty is higher.

(d) **Exception of Places where Public Health Acts Amendment Act, 1890, is Operative.**—The Public Health Acts Amendment Act, 1890, contains in s. 22 (see Appendix, *post*) provisions similar to those of this section, and of s. 38 of the Act of 1891. It is an adoptive Act, and therefore the effect of this exception is to assign the duty of seeing that there is sufficient accommodation in manufacturing premises to the local authority, wherever the Act has been adopted. Here again, however, the inspector has the power of interfering, under s. 5, *supra*, where the local authority make default. The penalty under the Act of 1890 is the same as under the London Act, and proceedings may be taken against either the owner or the occupier.

It should be noted that even where neither the Act of 1890 nor the London Act is in force, the local authority have still powers of supervision in matters of sanitary accommodation where persons of both sexes are employed, by virtue of s. 38 of the Public Health Act, 1875. See Appendix, *post*. It would seem, therefore, that in these instances there is a power of supervision vested in the inspector under s. 9, *supra*, and a similar power vested in the local authority under s. 38 of the Public Health Act, 1875. The last-named section is wider in its application, and includes “any house used or intended to be used as a . . . building in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business.” It therefore covers a number of cases which are not within the Factory Act. The penalty, as in the case of the other two Public Health Acts above mentioned, is also higher than under the Factory Act, and either the owner or the occupier may be made liable. On the other hand, the section only applies where persons of both sexes are employed.

(ii) SAFETY.

10. Fencing of machinery.—(1) With respect to the fencing of machinery in a factory (*a*), the following provisions shall have effect :

- (a) Every hoist or teagle and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house

or not, and every part (*b*) of any water wheel or engine worked by any such power, must be securely fenced (*c*) ; and

(*b*) Every wheel-race not otherwise secured must be securely fenced (*c*) close to the edge of the wheel-race ; and

(*c*) All dangerous parts of the machinery and every part of the mill gearing (*d*) must either be securely fenced (*c*), or be in such position or of such construction as to be equally safe to every person employed or working in the factory as it would be if it were securely fenced ; and

(*d*) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or under examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine.

(2) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (*e*).

Provisions with regard to self-acting machines will be found in s. 12, *post*, p. 25. See also s. 13 as to cleaning machinery in motion, and s. 17 as to use of a machine in such a condition as to be dangerous.

Liability of Occupier in Damages.—In certain cases the occupier is liable in damages for breaches of the provisions of this section. See the notes to s. 136, *post*, pp. 174, 175.

(*a*) **Machinery in a Factory.**—The machinery referred to is that within the factory itself, and not machinery which is outside the factory, though within its precincts, and is not used for the manufacturing process carried on in the factory. Such machinery may, however, form part of a separate factory and so come within the section. See s. 149 (4), *post*, p. 185, and the case of *Lewis v. Gilbertson & Co., Limited*, there referred to.

(*b*) **Part of Engine.**—In the case of *Johnson v. Richardson* (unreported ; in the Queen's Bench Division, June 4th, 1896) it was held under the sub-section which is here re-enacted that the gear-wheels of the governor of a steam-engine must be fenced, notwithstanding the fact that the engine, as a whole, was fenced by a barrier running all around it.

(c) **Securely Fenced.** — The machinery must be fenced according to the best method known at the time, not merely in the manner usual in the best regulated factories in the district. See *Schofield v. Schunk* (1855), 24 L. T. (o.s.) 253.

(d) **Dangerous Machinery.** — By s. 156 the expression “machinery” is defined as including every driving strap or band. The expression “mill-gearing” is defined in the same section (*q.v.*).

The words “all dangerous parts of the machinery,” which were added by the Act of 1891, are important. Before the Act of 1891 there was an absolute obligation to fence only in the case of mill-gearing, *i.e.*, the portion of the machinery by which power was transmitted, while with regard to the rest of the machinery if the inspector notified any part of it to be dangerous and the occupier disputed his decision, the question whether it was dangerous or not was to be determined by arbitration. Now the obligation to fence extends to all dangerous machinery. See *Redgrave v. Lloyd*, [1895] 1 Q. B. 876 ; 59 J. P. 293 ; 64 L. J. M. C. 155 ; 72 L. T. 565 ; 43 W. R. 527, in which the word “machinery” used here was held to include all the operative machinery in a factory, and not only machinery *ejusdem generis* with mill-gearing. The question whether machinery is dangerous or not is a question of fact for the magistrate to determine in each case.

In *Hindle v. Birtwistle*, [1897] 1 Q. B. 192 ; 61 J. P. 70 ; 66 L. J. Q. B. 173 ; 76 L. T. 159 ; 45 W. R. 207, it was held that the enactment applies to all machinery from which, in the ordinary course of working it, danger may reasonably be anticipated, although such danger may arise by reason only of careless working or of external causes.

It may be observed that this sub-s. (c) differs slightly from its two predecessors, (a) and (b), in that the machinery of the kind described in sub-s. (c) need not be fenced if it is as safe as it would be if fenced, whereas the particular kinds of machinery described in sub-ss. (a) and (b) must be fenced in any case ; and therefore it is no defence to say that such machinery is safe without fencing. See *Doel v. Sheppard* (1856), 5 El. & Bl. 856 ; 25 L. J. Q. B. 124.

(e) **Penalty.**—See s. 135, *post*, p. 172. The occupier is the person liable ; but see s. 142, *post*, p. 180, which makes the owner or hirer of a machine liable in certain cases. Also in the case of tenement factories, by s. 87, *post*, p. 104, the liability is transferred to the owner, except as regards machinery supplied by the occupier.

11. Steam boilers.]—(1) Every steam boiler used for generating steam in a factory or workshop or in any place to which any of the provisions of this Act apply must, whether separate or one of a range—

(a) have attached to it a proper safety valve and a

proper steam gauge and water gauge to show the pressure of steam and the height of water in the boiler ; and

(b) be examined thoroughly by a competent person at least once in every fourteen months.

(2) Every such boiler, safety valve, steam gauge and water gauge must be maintained in proper condition.

(3) A report of the result of every such examination in the prescribed form, containing the prescribed particulars, shall within fourteen days be entered into or attached to the general register of the factory or workshop, and the report shall be signed by the person making the examination, and, if that person is an inspector of a boiler-inspecting company or association, by the chief engineer of the company or association.

(4) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (a).

(5) This section shall not apply to the boiler of any locomotive (b) which belongs to and is used by any railway company, or to any boiler belonging to or exclusively used in the service of his Majesty.

(6) For the purposes of this section, the whole of a tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier (c), and he shall register the report referred to in this section.

For prohibition of the use of a dangerous boiler, see s. 17, *post*.

(a) **Penalty.**—See note (e) to s. 10, *supra*, and s. 135, *post* ; but note that in the case of tenement factories the provisions of sub-s. (6) of this section, *infra*, apply instead of s. 87.

(b) **Locomotive.**—In *Murphy v. Wilson* (1883), 52 L. J. Q. B. 524 ; 48 J. P. 24 ; 48 L. T. 788, it was held that a steam crane fixed on a trolley, and propelled by steam on rails when it was necessary to move it, is not a “locomotive engine” within the meaning of the Employers’ Liability Act, 1880, s. 1 (5).

(c) **Owner Substituted for Occupier.**—These words are presumably intended to apply only in the case of tenement factories.

12. Regulations as to self-acting machines.]—(1) In a factory erected on or after the first day of January one thousand eight hundred and ninety-six, the traversing carriage of any self-acting machine must not be allowed

to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it runs out is a space over which any person is liable to pass, whether in the course of his employment or otherwise. Provided that nothing in this sub-section shall prevent any portion of the traversing carriage of any self-acting cotton spinning or woollen spinning machine being allowed to run out within a distance of twelve inches from any part of the head stock of another self-acting cotton spinning or woollen spinning machine.

(2) A person employed in a factory must not be allowed (a) to be in the space between the fixed and the traversing parts of a self-acting machine unless the machine is stopped with the traversing part on the outward run, but for the purpose of this provision the space in front of a self-acting machine shall not be included in the space aforesaid.

(3) A woman, young person or child must not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water or other mechanical power.

(4) A factory in which a traversing carriage is allowed to run out in contravention of this section shall be deemed not to be kept in conformity with this Act, and any person allowed to be in the space aforesaid or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act (b).

For prohibition of the use of dangerous machinery, see s. 17, *post*. With regard to the fencing of machinery, see s. 10, *supra*, and the cleaning of machinery, s. 13, *infra*.

(a) **Allowed.**—In *Crabtree v. Fern Spinning Co., Limited* (1901), 66 J. P. 181 ; 85 L. T. 459 ; 50 W. R. 167 ; 20 Cox C. C. 82, a young person was cleaning a self-acting machine. The machine was stopped with the traversing part on the outward run, and the young person entered the space between the fixed and traversing parts. When he had been there some time the foreman, thinking that he was no longer there, started the machine, and so caused his death. Lord ALVERSTONE, C.J., and DARLING and CHANNELL, J.J., held that the words “must not be allowed” are not equivalent to “must be prevented,” and that under the circumstances the occupiers of the factory had not infringed the law, since the foreman had no idea that the young person was within the space referred to in the sub-section when he started the machine.

(b) **Penalty.**—The penalty for not keeping a factory in conformity with the Act is contained in s. 135, *post*, and for employment contrary to the Act in s. 137. See also note (e) to s. 10, *supra*.

13. Restrictions on cleaning when machinery is in motion.—(1) A child (a) must not be allowed to clean in any factory—

(a) any part of any machinery ; or

(b) any place under any machinery other than overhead mill gearing (b),

while the machinery is in motion (c) by the aid of steam, water or other mechanical power.

(2) A young person (d) must not be allowed to clean any dangerous part of the machinery in a factory while the machinery is in motion (c) by the aid of steam, water or other mechanical power ; and for this purpose such parts of the machinery shall, unless the contrary is proved, be presumed to be dangerous (e) as are so notified by an inspector to the occupier of the factory.

(3) A woman (f) or young person (d) must not be allowed to clean such part of the machinery in a factory as is mill-gearing while the machinery is in motion (c) for the purpose of propelling any part of the manufacturing machinery.

(4) A woman, young person or child allowed to clean in contravention of this section shall be deemed to be employed contrary to the provisions of this Act (g).

For prohibition of use of dangerous machinery, see s. 17, *post*. With regard to self-acting machines and the fencing of machinery, see ss. 10, 12, *supra*.

(a) **Child.**—The expression “child” is defined in s. 156, *post*, p. 196.

(b) **Machinery.**—For definition, see s. 156, *post*, p. 196.

(c) **Machinery in Motion.**—In *Pearson v. Belgian Mills Co.*, [1896] 1 Q. B. 244 ; 60 J. P. 151 ; 65 L. J. M. C. 48 ; 74 L. T. 101 ; 44 W. R. 334, which was decided under s. 9 of the Act of 1878, it was held that this provision is not limited to cleaning the moving parts of a machine ; but that if the machinery as a whole is in motion it is not permissible to clean any part of it, even though the actual part so cleaned is at rest.

(d) **Young Person.**—The expression “young person” is defined in s. 156, *post*, p. 197.

(e) **Burden of Proof.**—The effect of this provision is to cast upon the occupier the burden of proving that the machinery is not in fact dangerous.

(*f*) **Woman.**—The expression “woman” is defined in s. 156, *post*, p. 197.

(*g*) **Penalty.**—See s. 137, *post*, and note (*e*) to s. 10, *supra*.

14. *Provision of means of escape in case of fire.*—

(1) Every factory of which the construction was not commenced on or before the first day of January one thousand eight hundred and ninety-two and in which more than forty persons are employed (*a*) and every workshop of which the construction was not commenced before the first day of January one thousand eight hundred and ninety-six and in which more than forty persons are employed (*a*) must be furnished with a certificate from the district council of the district in which the factory or workshop is situate that the factory or workshop is provided with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and if the factory or workshop is not so furnished it shall be deemed not to be kept in conformity with this Act (*b*); and it shall be the duty of the council to examine every such factory and workshop, and, on being satisfied that the factory or workshop is so provided, to give such a certificate as aforesaid. The certificate must specify in detail the means of escape so provided.

(2) With respect to all factories and workshops to which the foregoing provisions of this section do not apply (*c*) and in which more than forty persons are employed, it shall be the duty of the district council of every district from time to time to ascertain whether all such factories and workshops within their district are provided with such means of escape as aforesaid and, in the case of any factory or workshop which is not so provided, to serve on the owner (*d*) of the factory or workshop a notice (*e*) in writing specifying the measures necessary for providing such means of escape as aforesaid and requiring him (*f*) to carry them out before a specified date, and thereupon the owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements; and, unless the requirements are complied with, the owner shall be liable to a fine (*g*) not exceeding one pound for every day that the non-compliance continues.

(3) In case of a difference of opinion between the owner of the factory or workshop and the council under the last foregoing sub-section, the difference shall, on the application of either party, to be made within one month after the time when the difference arises, be referred to arbitration, and thereupon the provisions of the First Schedule to this Act (*h*) shall have effect, and the award (*i*) on the arbitration shall be binding on the parties thereto, and the notice of the council shall be discharged, amended or confirmed in accordance with the award.

(4) If the owner alleges that the occupier of the factory or workshop ought to bear or contribute to the expenses of complying with the requirement, he may apply to the county court (*k*) having jurisdiction where the factory or workshop is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case (*l*).

(5) For the purpose of enforcing the foregoing provisions of this section, an inspector may give the like notice and take the like proceedings as under the foregoing provisions of this Act with respect to matters punishable or remediable under the law relating to public health but not under this Act (*m*), and those provisions shall apply accordingly.

(6) The means of escape in case of fire provided in any factory or workshop shall be maintained in good condition and free from obstruction, and if it is not so maintained the factory or workshop shall be deemed not to be kept in conformity with this Act (*b*).

(7) For the purposes of this section the whole of a tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier (*n*).

(8) All expenses incurred by a district council in the execution of this section shall be defrayed—

(a) In the case of an urban district council, as part of their expenses of the general execution of the Public Health Act, 1875 (*o*) ; and

(b) In the case of a rural district council, as special expenses incurred in the execution of the Public Health Act, 1875 (*o*) ;

and those expenses shall be charged to the contributory place in which the factory or workshop is situate.

In the county of London, the London Building Acts (Amendment) Act, 1905 (5 Edw. 7, c. ccix) has introduced a number of further rules for the provision and maintenance of means of escape in case of fire in certain buildings in which persons are employed. But by s. 26 of that Act its provisions are not to apply to any building the whole of which is a factory or workshop within the meaning of the present section, or to such parts of buildings as are used as factories or workshops if within three years before the passing of the Act of 1905 means of escape have been provided in compliance with the Factory Act.

(a) Factory or Workshop in which More than Forty Persons are Employed.—In *London County Council and Tubbs, In re* (1903), 68 J. P. 29, two houses, A. and B., were let by the same owner to the same tenant on separate leases. A. was a factory in which more than forty persons were employed, and B. was a workshop in which less than forty persons were employed. The two houses were connected by an iron bridge at the height of the first floor, and manufacturing processes begun in A. were completed in B.:—*Held*, that there was evidence upon which an arbitrator might find that A. and B. together constituted one factory in which more than forty persons were employed within the meaning of this section.

(b) Penalty.—See s. 135, *post*. Note that means of escape from fire having once been provided (whether by the occupier under sub-s. (1) or the owner under sub-s. (2)), the liability for their maintenance is upon the occupier, except in the case of tenement factories (sub-s. (7)).

(c) Other Factories and Workshops—*i.e.*, factories and workshops of which the construction was commenced before the dates specified in sub-s. (1).

(d) Owner.—It is to be observed that the owner is the person who is made liable under this sub-section. See, however, the provisions of sub-s. (4), *infra*. See also sub-s. (7) with regard to tenement factories.

(e) Notice.—See note (h), *infra*.

(f) Rights of Third Parties.—The owner cannot be compelled to carry out works which would infringe the rights of third parties. Thus, in *London County Council v. Lewis* (1900), 64 J. P. 39; 69 L. J. Q. B. 277; 82 L. T. 195, the owner of a building let the upper floors to different persons on lease, and businesses were carried on there of such a kind as to render those floors non-textile factories. The lower floors were let on lease to other

persons as warehouses. The county council served a notice on the owner to construct a staircase through the lower floors to the upper ones. The Queen's Bench Division held that the lower floors were not part of a factory, and that there was no jurisdiction to compel the owner to do anything which would be an encroachment on the tenants of the lower floors. Similar decisions have been given in *London County Council v. Brass* (1901), 17 T. L. R. 504, and *Toller v. Spiers and Pond, Limited*, *infra*, note (i).

(g) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 180).

In proceedings for its recovery the justices ought to hear evidence tending to show that the measures specified are impossible to carry out; but under those circumstances the defendant's proper course is to demand an arbitration under sub-s. (3) (*Consolidated Properties Co. v. Chilvers* (1901), 18 T. L. R. 59).

(h) **Arbitration Rules.**—See p. 205, *post*.

(i) **Award.**—Where two or more separate factories (not being tenement factories) are in the same building and belong to the same owner the notice and award must deal with them separately, and will be ineffectual if they do not do so. In *Toller v. Spiers and Pond, Limited*, [1903] 1 Ch. 362; 67 J. P. 234; 72 L. J. Ch. 191; 87 L. T. 578; 51 W. R. 381, the plaintiff owned an eight-floored building, of which the basement, ground, first, third, and fourth floors were let to the defendants and were a factory, while the fifth, sixth and seventh floors were let to another person, and were another factory. One notice to provide means of escape was given by the county council, and one award was made by the arbitrator, which directed that a staircase should be made from the third to the seventh floor, communicating with each floor. BUCKLEY, J., held that the notice and award were bad, because they did not deal with the two factories separately.

It was further held in the same case that the mere fact that the defendants were not present at the arbitration did not prevent the award being binding upon them.

(k) **May apply to the County Court.**—The word "may" means "must" (*per* VAUGHAN WILLIAMS, L.J., in *Horner v. Franklin*). It has been decided by the Court of Appeal in *Horner v. Franklin*, [1905] 1 K. B. 479; 69 J. P. 117; 74 L. J. K. B. 291; 92 L. T. 178, and *Stuckey v. Hooke*, [1906] 2 K. B. 20; 70 J. P. 214; 75 L. J. K. B. 504; 94 L. T. 723; 54 W. R. 509, that the effect of this sub-section, and of the similar provisions in s. 7 (4) (ventilation) and s. 101 (8) (underground bakehouses), is to exclude the jurisdiction of the High Court altogether, and that even when the lease contains a covenant that the occupier is to pay these expenses the owner cannot bring an action on the covenant, but must apply to the inferior court. The contrary decision of LAWRENCE, J., in *Shephard v. Barber* (1902), 67 J. P. 238, is therefore overruled.

(l) **Just and Equitable.**—A question has arisen as to how far the county court judge, in determining what is just and equitable, is bound by the terms of the covenants in the lease or other contract between the parties. In *Monk v. Arnold*, [1902] 1 K. B. 761 ; 71 L. J. K. B. 441 ; 86 L. T. 580 ; 50 W. R. 667, Lord ALVERSTONE, C.J., and DARLING and CHANNELL, JJ., decided that although the county court judge ought to have regard to any covenants in the occupier's lease, yet he is not bound by them if he considers that in the particular circumstances it would be inequitable to insist upon their being strictly carried out, at any rate unless expenses under this section are expressly mentioned in the lease. This case was approved by the Court of Appeal in *Horner v. Franklin*, *supra*, where it was expressly stated that the terms of the tenancy constituted one of the circumstances of the case which the county court judge was to consider, and in *Stuckey v. Hooke*, *supra*, FLETCHER MOULTON, L.J., thought that the covenant was only part of the circumstances of the case, and that the judge was not necessarily bound by it. In *Goldstein v. Hollingsworth* [1904], 2 K. B. 578 ; 68 J. P. 383 ; 73 L. J. K. B. 826 ; 91 L. T. 85, where there was a covenant including these expenses, which were incurred in the first year of a term of twenty-one years, the inferior court refused to make the landlord pay any part of them, and Lord ALVERSTONE, C.J., and WILLS and KENNEDY, JJ., upheld the decision, but intimated that the case might have been different if the expenses had been incurred towards the end of the term. But in *Morris v. Beal*, [1904] 2 K. B. 583 ; 68 J. P. 542 ; 73 L. J. K. B. 830 ; 91 L. T. 486, where there was a similar lease, the expenses were incurred in the fourth year of the term, and the inferior court ordered the landlord to pay about half of them. This decision was reversed by Lord ALVERSTONE, C.J., and KENNEDY and PHILLIMORE, JJ., who held that where the tenant has covenanted to pay the expenses there is no jurisdiction to apportion them at all. These last two decisions, which appear to have been doubted by ROMER, L.J., in *Horner v. Franklin*, and FLETCHER MOULTON, L.J., in *Stuckey v. Hooke*, were under s. 101, which expressly directs the inferior court to have regard to the contract, and empowers it to determine the lease if necessary, and in *Morris v. Beal* the court laid stress on these provisions, but having regard to *Horner v. Franklin* and *Stuckey v. Hooke*, it is not easy to see any real distinction between the two sections. This question did not arise in *Arding v. Economic Printing and Publishing Co.* (1898), 79 L. T. 420 ; 15 T. L. R. 11, since the covenant in that case was for the tenant to bear "a fair share and proportion of all costs and expenses" which the landlord might be called upon to bear, and therefore had the same effect as the proviso in sub-s. (4).

It should be observed that in all the above cases expenses under the Factory Acts were not mentioned by name, but were merely supposed to be included in the general words of the covenants. The question as to what general words are wide enough to cover

them is far too complicated for a work of this description, and the reader is therefore referred to works on the law of landlord and tenant. It may be mentioned, however, that the King's Bench Division in *Monk v. Arnold*, *Goldstein v. Hollingsworth* and *Morris v. Beal*, and DARLING, J., in *Horner v. Franklin*, held that they were included in the expressions "impositions" and "outgoings," but these rulings were doubted by FLETCHER MOULTON, L.J., in *Stuckey v. Hooke*, and apparently also by ROMER, L.J., in *Horner v. Franklin*.

(m) **Powers of Inspector.**—See s. 5, *supra*, and the notes thereto.

(n) **Owner Substituted for Occupier.**—See note (c) to s. 11, *ante*, p. 25.

(o) **Expenses**—*i.e.*, out of the rates. See s. 207 (urban councils), and ss. 229, 230 (rural councils) of the Public Health Act, 1875.

15. *Byelaws for means of escape from fire.*—Every district council shall, in addition to any powers which they possess with reference to the prevention of fire, have power to make byelaws providing for means of escape from fire in the case of any factory or workshop, and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875 (a), shall apply to any byelaws so made.

(a) **Byelaws.**—The sections referred to prescribe the manner in which byelaws are to be made, confirmed, and proved, and authorise the local authority to impose penalties which are not to exceed £5 for each offence, and 40s. a day for a continuing offence.

A set of model byelaws were issued by the Local Government Board in 1906, after consultation with the Home Secretary. They will be found in the Appendix at p. 386.

16. *Doors of factory or workshop to open from inside.*—
(1) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, must not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside.

(2) In every factory or workshop the construction of which was not commenced before the first day of January one thousand eight hundred and ninety-six, the doors of each room in which more persons than ten

are employed shall, except in the case of sliding doors, be constructed so as to open outwards.

(3) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (a).

This section does not apply to men's workshops (s. 157, *post*, p. 198).

(a) **Penalty.**—See s. 135, *post*, p. 172.

17. Power to make order as to dangerous machine.]—

(1) A court of summary jurisdiction may, on complaint by an inspector and on being satisfied that any part of the ways, works, machinery or plant (a) used in a factory or workshop (including a steam boiler used for generating steam (b)) is in such a condition that it cannot be used without danger to life or limb, by order, prohibit its use or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered.

(2) Where a complaint has been made under this section, the court or a justice may, on application *ex parte* by the inspector and on receiving evidence that the use of any such part of the ways, works, machinery or plant (a) involves imminent danger to life, make an interim order prohibiting, either absolutely or subject to conditions, the use thereof until the earliest opportunity for hearing and determining the complaint.

(3) If there is any contravention of an order under this section, the person entitled to control the use of the part of the ways, works, machinery or plant (a) shall be liable to a fine (c) not exceeding forty shillings a day during the contravention.

This section supplements the provisions as to dangerous machinery contained in ss. 10—13, *ante*, and is applied by ss. 104—106 to docks, etc., buildings and railways. It does not apply to men's workshops (s. 157, *post*, p. 198).

(a) **“Ways, Works, Machinery or Plant.”**—These words are substituted for “any machine” in the Act of 1895. They are reproduced from s. 1 of the Employers' Liability Act, 1880 (43 & 44 Vict. c. 42). The words have been interpreted in the following cases :

Ways.—The floor of a workshop is a “way” (*Willets v. Watt & Co.*, [1892] 2 Q. B. 92 ; 56 J. P. 772 ; 61 L. J. Q. B. 540 ; 66 L. T. 818 ; 40 W. R. 497). So also is a hole in the ground in a mill yard, covered over with planks, intended for the

erection of a weighing machine (*Bromley v. Cavendish Spinning Co., Limited* (1886), 2 T. L. R. 881). An aperture to a staircase may be a defect in "ways" (*Wood v. Dorrall & Co.* (1886), 2 T. L. R. 550).

Works.—"Works used" means works completed and in use, and not partly constructed works which are about to be used, and therefore the partly built wall of an unfinished warehouse is not part of the "works" of a factory (*Howe v. Finch & Co.* (1886), 17 Q. B. D. 187 ; 51 J. P. 276 ; 34 W. R. 593). In *Brannigan v. Robinson*, [1892] 1 Q. B. 344 ; 56 J. P. 328 ; 61 L. J. Q. B. 202 ; 66 L. T. 647, a house was being pulled down, and a wall was left in a dangerous condition. It fell and injured a workman :—*Held*, that the dangerous state of the wall was a defect in the condition of the works.

Machinery.—Machinery which is so out of repair that it cannot be used may be "machinery or plant" (*Thompson v. City Glass Bottle Co.*, [1902] 1 K. B. 233 ; 71 L. J. K. B. 145 ; 85 L. T. 661).

Plant.—A collier chartered by a firm of coal merchants to convey coals from Cardiff to Newhaven, is part of the "plant" of the charterers (*Carter v. Clarke* (1898), 78 L. T. 76). A horse is part of the plant of anyone who uses horses in the ordinary course of his business, and vice in the horse is a defect in the plant (*Yarmouth v. France* (1887), 19 Q. B. D. 647 ; 57 L. J. Q. B. 7 ; 36 W. R. 281 ; *Haston v. Edinburgh Tramways Co.* (1887), 14 Rettie, 621 ; *Fraser v. Hood* (1887), 15 Rettie, 178).

(b) **Steam-boiler.**—For other provisions as to steam boilers, see s. 11, *ante*, p. 24.

(c) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

18. Power to make order as to unhealthy or dangerous factory or workshop.]—(1) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any place used as a factory or workshop or as part of a factory or workshop is in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health or to life or limb, by order, prohibit the use of that place for the purpose of that process or handicraft, until such works have been executed as are, in the opinion of the court, necessary to remove the danger.

(2) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the instance of any district council under the provisions of the law relating to public health, unless the inspector is authorised to take proceedings under the

foregoing provisions of this Act with respect to the enforcement of sanitary provisions in workshops or with respect to matters punishable or remediable under the law relating to public health but not under this Act (*a*).

(3) If there is any contravention of an order under this section, the occupier (*b*) of the place shall be liable to a fine (*c*) not exceeding forty shillings a day during the contravention.

(*a*) **Powers of Inspector.**—See ss. 1, 2, 4, 5, *supra*.

(*b*) **Occupier.**—In the case of tenement factories the owner is the person liable (s. 87, *post*, p. 104).

(*c*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

(iii) ACCIDENTS.

19. *Notice of accidents causing death or bodily injury.*—

(1) *Where there occurs in a factory or workshop any accident which either—*

(*a*) *causes loss of life to a person employed in the factory or workshop ; or*

(*b*) *causes to a person employed in the factory or workshop such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work,*

written notice shall forthwith be sent to the inspector for the district.

(2) *If the accident causes loss of life, or is produced either by machinery moved by steam, water or other mechanical power or through a vat, pan or other structure filled with hot liquid or molten metal or other substance or by explosion or by escape of gas, steam or metal then, unless notice thereof is required by section sixty-three of the Explosives Act, 1875, to be sent to a Government inspector, notice thereof shall forthwith be sent to the certifying surgeon for the district.*

(3) *The notice shall state the residence of the person killed or injured and the place to which he has been removed.*

(4) *If any notice required by this section to be sent with respect to an accident in a factory or workshop is not so sent, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.*

(5) *If any accident to which this section applies occurs to a person employed in an iron mill or blast furnace or other factory or workshop where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.*

This section was repealed by s. 7 of the Notice of Accidents Act, 1906, and new provisions were substituted, which will be found at p. 239, *post*.

20. *Investigation of and report on accidents by certifying surgeon.*—(1) Where a certifying surgeon receives, in pursuance of this Act, notice of an accident (a) in a factory or workshop, he shall, with the least possible delay, proceed to the factory or workshop and make a full investigation as to the nature and cause of the death or injury caused by that accident and within the next twenty-four hours send to the inspector a report thereof.

(2) The certifying surgeon, for the purpose only of an investigation under this section, shall have the same powers as an inspector and shall also have power to enter any room in a building to which the person killed or injured has been removed.

This and the two following sections apply to docks, wharves, warehouses, etc. (s. 104, *post*, p. 122), certain buildings (s. 105, *post*, p. 127), and railway lines and sidings used in connection with factories (s. 106, *post*, p. 131), but not to domestic factories or workshops (s. 111, *post*, p. 138).

(a) **Accident.**—See s. 4 of the Notice of Accidents Act, 1906, *post*, p. 239.

21. *Inquest in case of death by accident in factory or workshop.*—(1) Where a death has occurred by accident (a) in a factory or workshop, the coroner shall forthwith advise the district inspector of the time and place of holding the inquest and, unless an inspector or some person on behalf of the Secretary of State is present to watch the proceedings, the coroner shall adjourn the inquest and shall, at least four days before holding the adjourned inquest, send to the inspector notice in writing of the time and place of holding the adjourned inquest.

Provided that, if the accident has not occasioned the death of more than one person and the coroner has sent

to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the inquest, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary so to adjourn.

(2) Any relative of any person whose death may have been caused by the accident with respect to which the inquest is being held and any inspector and the occupier of the factory or workshop in which the accident occurred and any person appointed by the order in writing of the majority of the workpeople employed in the factory or workshop shall be at liberty to attend at the inquest and, either in person or by his counsel, solicitor or agent, to examine any witness, subject nevertheless to the order of the coroner.

This section applies to docks, etc. (see preliminary note to s. 20, *supra*), but not to men's workshops. See s. 157, *post*, p. 198.

(a) **Accident.**—See note (a) to s. 4 of the Notice of Accidents Act, 1906, *post*, p. 240.

22. *Power to direct formal investigation of accidents.*]—Where it appears to the Secretary of State that a formal investigation of any accident (a) occurring in a factory or workshop and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the following provisions shall have effect :

- (1) The Secretary of State may appoint a competent person to hold the investigation and may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the investigation ;
- (2) The person or persons so appointed (hereinafter called "the court") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident (a) and enabling the court to make the report in this section mentioned ;
- (3) The court shall have, for the purpose of the investigation, all the powers of a court of summary jurisdiction when acting as a court in hearing

informations for offences against this Act and all the powers of an inspector under this Act and in addition the following powers, namely :

- (a) Power to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purpose ;
 - (b) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make ;
 - (c) Power to require the production of all books, papers and documents which it considers important for the said purpose ;
 - (d) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :
- (4) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record ; and, in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of his Majesty's superior courts who, on request signed by the court, shall ascertain and certify the proper amount of the expenses :
- (5) The court holding an investigation under this section shall make a report to the Secretary of State stating the causes of the accident (*a*) and its circumstances and adding any observations which the court thinks right to make :
- (6) All expenses incurred in and about an investigation under this section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act :
- (7) Any person who without reasonable excuse (proof whereof shall lie on him) either fails after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the

court in the execution of its duty, shall for every such offence be liable to a fine not exceeding ten pounds and, in the case of a failure to comply with a requisition for making any return or producing any document, shall be liable to a fine not exceeding ten pounds for every day that such failure continues.

The Secretary of State may cause any special report of an inspector or any report of a court under this Part of this Act to be made public at such time and in such manner as he may think fit.

This section applies to docks, etc. See preliminary note to s. 20, *ante*, p. 37.

(a) **Accident.**—See note (a) to s. 4 of the Notice of Accidents Act, 1906, *post*, p. 240.

PART II.

EMPLOYMENT.

(i) HOURS AND HOLIDAYS.

23. *Restrictions on period of employment of women, young persons and children.*—A woman, young person or child shall not be employed (a) in a factory or workshop except during the period of employment (b) hereinafter mentioned.

Further restrictions upon the employment of children (*i.e.*, persons under fourteen) are imposed by the Employment of Children Act, 1903, *post*, p. 367.

(a) **Definitions.**—For definition of “employment,” see s. 152, *post*, p. 194, and for definition of “woman,” “young person,” and “child,” see s. 156 (1), *post*, pp. 196, 197.

(b) **Period of Employment.**—As to whether the period of employment includes time during which the worker is in the factory without his master’s knowledge, or on his own business, see note (a) to s. 152, *post*, p. 195.

Penalty.—See s. 137, *post*, p. 176.

The Scotch courts have held that a master who employs any person contrary to the provisions of this Part of the Act is guilty of negligence, and that if the person so employed suffers any injury in consequence of such employment he may bring an action for damages. See *Gibb v. Crombie* (1875), 2 *Rettie*, 886; *Sharp v. Pathhead Spinning Co., Limited* (1885), 12 *Rettie*, 574; and *Morris v. Boase Spinning Co., Limited* (1895), 22 *Rettie*, 336.

The same rule probably holds good in England. See *Caswell v. Worth*, and the other cases cited in note (d) to s. 136, *post*, p. 175. But there is no negligence if the young person or child has misrepresented his age and the master has not had a reasonable opportunity of ascertaining the true facts (*Carty v. Nichol* (1878), 6 *Rettie*, 194). The Scotch courts have been reluctant to admit the plea of contributory negligence (*Sharp v. Pathhead*). Of course the injury must be a natural consequence of the illegal employment (*Morris v. Boase*).

24. *Hours of employment in textile factories—young persons and women.*]—With respect to the employment of women and young persons in a textile factory, the following regulations shall be observed (a):

- (1) The period of employment (b), except on Saturday, shall either begin at six o'clock in the morning and end at six o'clock in the evening or begin at seven o'clock in the morning and end at seven o'clock in the evening;
- (2) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning;
- (3) Where the period of employment on Saturday begins at six o'clock in the morning, that period—
 - (a) If not less than one hour is allowed for meals, shall end at noon, as regards employment in any manufacturing process, and at half-past twelve o'clock in the afternoon, as regards employment for any purpose whatever; and
 - (b) If less than one hour is allowed for meals, shall end at half-past eleven o'clock in the forenoon, as regards employment in any manufacturing process, and at noon, as regards employment for any purpose whatever;
- (4) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past twelve o'clock in the afternoon as regards any manufacturing process, and at one o'clock in the afternoon, as regards employment for any purpose whatever;
- (5) There shall be allowed for meals during the said period of employment in the factory—
 - (a) on every day except Saturday not less than two hours, of which one hour at the least, either

at the same time or at different times, shall be before three o'clock in the afternoon ;

- (b) on Saturday not less than half an hour ;
 (6) A woman or young person shall not be employed continuously (c) for more than four hours and a half without an interval of at least half an hour for a meal (d).

In domestic factories the hours of employment are regulated by s. 111, *post*, p. 138.

(a) **Definitions.**—The expressions “ woman ” and “ young person ” are defined by s. 156, *post*, p. 197, and “ textile factory ” by s. 149, *post*, p. 183. Print works and bleaching and dyeing works, though declared to be non-textile, have the same hours of employment as textile factories except that continuous work for five hours without a meal is permitted in them. See s. 28, *post*, p. 48.

(b) **Exceptions.**—The only exceptions to the above are :

Continuous employment for five hours (s. 39, *post*, p. 57).

Recovery of lost time in water-mills (s. 52, *post*, p. 73).

Employment on Saturday and overtime in factories of Jewish occupiers (s. 47, *post*, p. 68).

Employment of male young persons above sixteen in lace factories (s. 37, *post*, p. 56).

Overtime employment of women on polishing, packing, etc., in warehouses (Sched. 2 (4), *post*, p. 208).

(c) **Continuous Employment.**—That is, not interrupted by an interval of at least half an hour. See s. 156 (2), *post*, p. 197.

(d) **Further Restrictions.**—By s. 31, *post*, p. 49, a woman or young person must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the woman or young person is employed in the factory or workshop both before and after the dinner hour.

And by s. 3 of the Employment of Children Act, 1903, *post*, p. 367, a number of further restrictions are placed upon the employment of young persons under fourteen.

Penalty.—See s. 137, *post*, p. 176.

25. *Hours of employment in textile factories—children.*]

—With respect to the employment of children (a) in a textile factory, the following regulations shall be observed (b) :

- (1) Children shall not be employed except on the system either of employment in morning and afternoon sets or of employment on alternate days only.

- (2) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person and end either—
 - (a) at one o'clock in the afternoon ; or
 - (b) if the dinner time begins before one o'clock, at the beginning of dinner time ; or
 - (c) if the dinner time does not begin before two o'clock, at noon.
- (3) The period of employment for a child in an afternoon set shall, except on Saturday, begin either—
 - (a) at one o'clock in the afternoon ; or
 - (b) at any later hour at which the dinner time terminates ; or
 - (c) if the dinner hour does not begin before two o'clock, and the morning set ends at noon, at noon ;
and shall end at the same hour as if the child were a young person.
- (4) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person.
- (5) A child shall not be employed in two successive periods of seven days in the morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week (c) if on any other day in the same week his period of employment has exceeded five hours and a half.
- (6) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks (c).
- (7) A child shall not on either system be employed continuously (d) for more than four hours and a half without an interval of at least half an hour for a meal (e).

The provisions of this section (with one exception) apply to print works and bleaching and dyeing works, although they are non-textile factories. See s. 28, *post*, p. 48.

44 THE FACTORY AND WORKSHOP ACT, 1901, s. 26.

The hours of employment in domestic factories are regulated by s. 111, *post*, p. 138.

(a) **Definitions.**—The expression “child” is defined in s. 156, *post*, p. 196, and “textile factory” in s. 149, *post*, p. 183.

(b) **Exception.**—The only exception to the above is continuous employment for five hours in certain factories (ss. 28, 39, *post*, pp. 48, 57).

(c) **Week.**—For definition, see s. 156, *post*, p. 197.

(d) **Continuous Employment.**—That is, not interrupted by an interval of at least half an hour. See s. 156 (2), *post*, p. 197.

(e) **Further Restrictions.**—A child shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop. See s. 31, *post*, p. 49.

And by s. 3 of the Employment of Children Act, 1903, *post*, p. 367, a child must not be employed in lifting heavy weights, nor in any occupation likely to prove injurious to him. And, while he is employed as a half-timer in a factory or workshop, he must not be employed in any other occupation.

Penalty.—See s. 137, *post*, p. 176.

26. *Hours of employment in non-textile factories and workshops—young persons and women.*—With respect to the employment of women and young persons in a non-textile factory (a) and a workshop, the following regulations shall be observed :

- (1) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) (b) either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening, or begin at eight o'clock in the morning and end at eight o'clock in the evening.
- (2) The period of employment on Saturday shall (save as is in this Act specially excepted) (c) begin at six o'clock in the morning and end at two o'clock in the afternoon, or begin at seven o'clock in the morning and end at three o'clock in the afternoon, or begin at eight o'clock in the morning and end at four o'clock in the afternoon.
- (3) There shall be allowed for meals during the said period of employment in the factory or workshop—

- (a) on every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon ; and
 - (b) on Saturday not less than half an hour.
- (4) A woman or a young person in a non-textile factory and a young person in a workshop shall not be employed continuously (d) for more than five hours without an interval of at least half an hour for a meal (e).

Employment between 9 a.m. and 9 p.m. may be allowed by the Secretary of State in certain cases. See s. 36, *post*, p. 54.

In domestic factories and workshops the hours of employment are regulated by s. 111, *post*, p. 138.

For hours of employment of women in laundries, see ss. 2 and 5 (2) (a) of the Act of 1907, *post*, pp. 230, 233.

(a) **Definitions.**—The expression “non-textile factory” is defined in s. 149, *post*, p. 184, and “woman” and “young person” in s. 156, *post*, p. 197.

(b) **Exceptions.**—The exceptions are : Print works, bleaching and dyeing works (s. 28, *post*, p. 48) ; women’s workshops (s. 29, *post*, p. 48) ; factories and workshops mentioned in Special Orders of Secretary of State (s. 36, *post*, p. 54) ; employment of male young persons above sixteen in bakehouses (s. 38, *post*, p. 56) ; employment upon fish and fruit preserving (s. 41, *post*, p. 62), and in creameries (s. 42, *post*, p. 65) ; factories and workshops occupied by Jews ; and the regulations with regard to overtime in certain cases (ss. 42—53 inclusive, *post*, pp. 65—74) ; also the employment of male young persons on night-work in certain cases (ss. 54—56, *post*, pp. 74—78).

(c) **Exceptions as to Saturday Employment.**—These are the same as in note (b), *supra*, with the addition of the special provision for the eight hours employment of women and young persons in s. 30, *post*, p. 49, and the Saturday employment of women and young persons in Turkey red dyeing in s. 44, *post*, p. 67. As to substitution of another day for Saturday, see s. 43, *post*, p. 66.

(d) **Continuous Employment.**—That is, not interrupted by an interval of at least half an hour. See s. 156 (2), *post*, p. 197.

(e) **Penalty.**—See s. 137, *post*, p. 176.

Further Restrictions.—Restrictions as regards employment both inside and outside the factory or workshop on the same day are imposed by s. 31, *post*, p. 49.

And by s. 3 of the Employment of Children Act, 1903, *post*, p. 367, special restrictions are imposed upon the employment of young persons under fourteen.

27. *Hours of employment in non-textile factories and workshops—children.*]—With respect to the employment of children (a) in a non-textile factory and a workshop, the following regulations (b) shall be observed :

- (1) Children shall not be employed except either on the system of employment in morning and afternoon sets, or (in a factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only.
- (2) The period of employment for a child in the morning set on every day, including Saturday, shall begin at six or seven or eight o'clock in the morning and end either—
 - (a) at one o'clock in the afternoon ; or
 - (b) if the dinner time begins before one o'clock, at the beginning of dinner time ; or
 - (c) if the dinner time does not begin before two o'clock, at noon.
- (3) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin either—
 - (a) at one o'clock in the afternoon ; or
 - (b) at any hour, later than half-past twelve, at which the dinner time terminates ; or
 - (c) if the dinner time does not begin before two o'clock and the morning set ends at noon, at noon ;

and shall end on Saturday at two o'clock in the afternoon, and on any other day at six or seven or eight o'clock in the evening, according as the period of employment for children in the morning set began at six or seven or eight o'clock in the morning.
- (4) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on Saturday in any week (c) in the same set in which he has been employed on any other day of the same week.

- (5) When a child is employed on the alternate day system—
- (a) The period of employment for such a child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening, or begin at eight o'clock in the morning and end at eight o'clock in the evening ;
 - (b) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning and end at two o'clock in the afternoon, or begin at eight o'clock in the morning and end at four o'clock in the afternoon ;
 - (c) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours and, on Saturday, than half an hour ; but
 - (d) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks.
- (6) A child shall not, on either system, be employed continuously (*d*) for more than five hours without an interval of at least half an hour for a meal (*e*).

In domestic factories the hours of employment are regulated by s. 111, *post*, p. 138.

Further Restrictions.—Restrictions as regards employment both inside and outside the factory or workshop on the same day are imposed by s. 31, *post*, p. 49.

And by s. 3 of the Employment of Children Act, 1903, *post*, p. 367, a child must not be employed in lifting heavy weights, nor in any occupation likely to prove injurious to him ; and, while he is employed as a half-timer in a factory or workshop, he must not be employed in any other occupation.

(*a*) **Children.**—For definition, see s. 156, *post*, p. 196.

(*b*) **Exceptions.**—These are employment in certain non-textile factories and workshops mentioned in an Order of the Secretary of State under s. 36, *post*, p. 54, and overtime employment on incomplete processes (s. 51, *post*, p. 72).

(*c*) **Week.**—For definition, see s. 156, *post*, p. 197.

(*d*) **Continuous Employment.**—That is, not interrupted by an interval of at least half an hour. See s. 156 (2), *post*, p. 197.

(*e*) **Penalty.**—See s. 137, *post*.

28. *Hours of employment in print works and bleaching and dyeing works.*—In print works and bleaching and dyeing works the period of employment for a woman, young person and child and the times allowed for meals shall be the same as if the works were a textile factory (a), and the regulations of this Act with respect to the employment of women, young persons and children in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories ; save that nothing in this section shall prevent the continuous employment (b) of a woman, young person or child in the works for five hours without an interval of half an hour for a meal.

Print works, bleaching and dyeing works are declared by s. 149 to be non-textile factories, and are subject to all the provisions, including the length of spell, affecting such works ; the periods of employment, however, are the same as in textile factories.

(a) See pp. 41—43, *ante*.

(b) **Continuous Employment.**—That is, not interrupted by an interval of at least half an hour. See s. 156, *post*, p. 197.

29. *Special provisions as to employment in women's workshops.*—(1) In a workshop which is conducted on the system of not employing therein either children or young persons, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system—

(a) The period of employment for a woman shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours taken between six o'clock in the morning and four o'clock in the afternoon ; and

(b) there shall be allowed to a woman for meals and absence from work during the period of employment a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.

(2) Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed to be

conducted on that system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act (a). A change in the system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

(a) **Penalty.**—See s. 137, *post*, p. 176.

30. *Special provision as to eight hours employment of women and young persons.*]—In a non-textile factory or workshop where a woman or young person has not been actually employed for more than eight hours on any day in a week (a), and notice of such non-employment has been affixed in the factory or workshop and served on the inspector, the period of employment on Saturday in that week for that woman or young person may be from six o'clock in the morning to four o'clock in the afternoon, with an interval of not less than two hours for meals.

(a) **Week.**—For definition, see s. 156, *post*, p. 197.

31. *Restriction on employment inside and outside factory or workshop on same day.*]—(1) A child must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop.

(2) A woman or young person must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the woman or young person is employed in the factory or workshop both before and after the dinner hour.

(3) For the purposes of this section a woman, young person or child to or for whom any work is given out, or who is allowed to take out any work to be done by him or her outside a factory or workshop, shall be deemed to be employed outside the factory or workshop on the day on which the work is so given or taken out.

(4) If a woman or young person is employed by the occupier of a factory or workshop on the same day both in the factory or workshop and in a shop (*a*), then—

(a) the whole time during which that woman or young person is employed shall not exceed the number of hours permitted by this Act for her or his employment in the factory or workshop on that day ; and

(b) if the woman or young person is employed in the shop (*a*), except during the period of employment fixed by the occupier and specified in a notice (*b*) affixed in the factory or workshop in pursuance of this Act, the occupier shall make the prescribed entry in the general register with regard to her or his employment.

(5) This Act shall apply as if any woman, young person or child employed in contravention of this section were employed in a factory or workshop contrary to the provisions of this Act (*c*).

Exceptions.—By s. 46, *post*, p. 68, the Secretary of State has power to except certain factories and workshops from the provisions of this section.

(a) **Shop.**—By s. 3 (2) of the Shop Hours Act, 1892 (Appendix, *post*, p. 388), a young person may not be employed to the shop-keeper's knowledge, first in a factory or workshop, and afterwards in a shop, for a longer period than that for which a young person may be employed in a factory or workshop. The above section extends that provision to the case of women also if the person who employs them in the factory or workshop is also their employer in the shop.

The section deals with fetching or taking out work, and errands connected with the business of the factory or workshop, and also with work at home. But for it, extra work might be done outside the factory or workshop which would not be reckoned in the period of employment in the factory or workshop.

(b) **Notice.**—See s. 32, *infra*.

(c) **Penalty.**—See s. 137, *post*, p. 176.

32. *Notice fixing hours of employment, etc.*]—(1) The occupier (*a*) of every factory and workshop may fix within the limits allowed by this Act (*b*) and shall, subject to any special exceptions (*c*) made by or in pursuance of this Act, specify in a notice which must be affixed in the factory or workshop—

(a) The period of employment ;

- (b) The times allowed for meals ; and
- (c) Whether the children are employed on the system of morning and afternoon sets or of alternate days.

(2) In a factory or workshop where such a notice is required to be affixed, the period of employment, the times allowed for meals and the system of employment for all the children in the factory or workshop shall be those for the time being specified in the notice.

(3) A change in the said period or times or system shall not be made until the occupier has served on an inspector and affixed in the factory or workshop notice of his intention to make the change and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

(4) Where an inspector, by notice in writing, names a public clock (*d*) or some other clock open to public view, for the purpose of regulating the period of employment in a factory or workshop, the period of employment and the times allowed for meals in that factory or workshop shall be regulated by that clock.

This section does not apply to domestic factories or workshops. See s. 111 (4), *post*, p. 139. By s. 151 the Secretary of State is empowered to order, with respect to any class of factories or workshops, that separate branches of the same factory or workshop may be treated as if they were separate factories or workshops ; and Orders have been issued by which the separate branches of certain factories and workshops named therein may, so far as regards the employment of children, young persons and women, be treated as if they were separate factories or workshops in accordance with the powers given by the section. See the notes to s. 151, *post*, p. 191.

(*a*) **Occupier.**—By s. 87, if the factory is a tenement factory, the owner is made liable for non-observance of this provision, instead of the occupier, but it is further provided that the occupier may affix his own notices if he pleases. See p. 104, *post*.

(*b*) **Limitation.**—*I.e.*, the employment, etc. specified in the notice must be of the kind allowed by the Act.

(*c*) **Special Exceptions.**—*I.e.*, the special exceptions contained in ss. 36—56, *post*.

(*d*) **Public Clock.**—As to urban authorities' powers to provide public clocks, see s. 165 of the Public Health Act, 1875 (38 & 39 Vict. c. 55).

Penalty.—The penalty for not affixing notices is contained in s. 128 (2), *post*, p. 165.

33. *Meal times to be simultaneous, and employment during meal times forbidden.*]—With respect to meals the following regulations shall (save as is in this Act specially excepted (a)) be observed in a factory and workshop :

- (1) All women, young persons and children employed therein shall have the times allowed for meals at the same hour of the day ; and
- (2) A woman, young person or child shall not, during any part of the times allowed for meals in the factory or workshop, be employed in the factory or the workshop or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.

(a) **Exceptions.**—This section does not apply to domestic factories or workshops (see s. 111, *post*, p. 140), or to the occupations referred to in ss. 40, 41 and 42 (*post*, pp. 58—66), an exemption which the Secretary of State has authorised to be extended to other occupations (see note (a) to s. 40, *post*, p. 60).

34. *Prohibition of Sunday employment.*]—A woman, young person or child shall not (save as is in this Act specially excepted (a)) be employed on Sunday in a factory or workshop.

(a) **Exceptions.**—Sunday employment is allowed in creameries in certain cases (see s. 42, *post*, p. 65). Young persons and women of the Jewish religion may, under certain circumstances, work on Sundays (see s. 48, *post*, p. 69), and male young persons working day and night by relays in blast furnaces and paper mills may also work on Sundays (see s. 54, *post*, p. 74). But by s. 55 young persons cannot be employed in glass works on Sundays.

35. *Annual holidays and half holidays.*]—(1) Subject to any special exceptions made by or in pursuance of this Act (a), the occupier of a factory or workshop shall allow in each year to every woman, young person and child employed in the factory or workshop the following holidays :

In England there shall be allowed as whole holidays—
 Christmas Day, Good Friday and every Bank holiday (b), unless, in lieu of any of those days, another whole holiday or two half holidays, fixed by the occupier, be allowed.

In Scotland there shall be allowed—

- (a) In burghs or police burghs, as whole holidays, the two days set apart by the Church of Scotland for the observance of the Sacramental Fast in the parish or, if those fast days have been abolished or discontinued, two days, not less than three months apart, to be fixed by the town council ; elsewhere, two whole holidays, not less than three months apart, fixed by the occupier ;
- (b) Eight half holidays fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.

In Ireland there shall be allowed—

- (a) Christmas Day ;
- (b) Any two of the following days, fixed by the occupier, namely, the seventeenth of March (when it does not fall on a Sunday), Good Friday, Easter Monday and Easter Tuesday ;
- (c) Six half holidays, fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.

(2) At least half of the said whole holidays or half holidays shall be allowed between the fifteenth day of March and the first day of October in every year.

(3) A notice of every whole holiday or half holiday must be affixed in the factory or workshop during the first week in January, and a copy thereof must on the same day be forwarded to the inspector for the district, and unless the notice has been so affixed and sent cessation from work shall not be deemed to be a whole holiday or a half holiday :

Provided that—

- (a) this sub-section does not apply in the case of a whole holiday in a factory or workshop in England or Wales if the whole holiday is Christmas Day or Good Friday or a Bank holiday (b) ;
- (b) any such notice may be changed by a subsequent notice affixed and sent in like manner not less than fourteen days before the holiday or half holiday to which it applies.

(4) A half holiday shall comprise at least one half of the period of employment for women and young persons on some day other than Saturday or a day substituted for Saturday.

(5) A woman, young person or child who—

(a) on a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop ; or

(b) on a half holiday fixed in pursuance of this section for a factory or workshop is employed in the factory or workshop during the portion of the period of employment assigned for that half holiday ;

shall be deemed to be employed contrary to the provisions of this Act (c).

(6) If in a factory or workshop such whole holidays or half holidays as are required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine (d) not exceeding five pounds.

(a) **Exceptions.**—These provisions do not apply to fish and fruit preserving (s. 41, *post*, p. 62) ; certain creameries (s. 42, *post*, p. 65) ; to male young persons employed in day and night sets (s. 54, *post*, p. 74) ; or to domestic factories or workshops (s. 111, *post*, p. 138). For the Secretary of State's power to give different sets of children, young persons and women holidays at different times in non-textile factories and workshops, see s. 45, *post*, p. 67.

(b) **Bank Holidays** — *i.e.*, Easter Monday, the Monday in Whitsun week, the first Monday in August, and December 26th, if a week day, otherwise the 27th. See the Bank Holidays Act, 1871 (34 & 35 Vict. c. 17), and the Holidays Extension Act, 1875 (38 & 39 Vict. c. 13).

(c) **Penalty.**—See s. 137, *post*, p. 176.

(d) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

(ii) SPECIAL EXCEPTIONS AS TO HOURS AND HOLIDAYS.

36. *Employment between 9 a.m. and 9 p.m. in certain cases.*—Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require that the special

exception hereafter in this section mentioned should be granted, and that the grant can be made without injury to the health of the women, young persons and children affected thereby, he may, by Special Order (*a*), grant to that class of factories or workshops or parts thereof a special exception that the period of employment for women and young persons therein, if so fixed by the occupier and specified in the notice (*b*), may on any day except Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in that case the period of employment for a child in a morning set shall begin at nine o'clock in the morning and the period of employment for a child in an afternoon set shall end at eight o'clock in the evening.

This enactment is necessary to provide for the customs in some trades in which work never begins before 9 a.m.

(*a*) **Special Order.**—By Order dated December 26th, 1907, the exception authorised by this section is allowed in the following classes of factories and workshops :

Factories in the county of London in which letterpress book-binding is carried on.

Laundries in the county of London and the following urban and rural districts, viz. : Tottenham, Edmonton, Hornsey, Wood Green, Finchley, Hendon (urban), Willesden, Acton, Ealing, Southall-Norwood, Chiswick, Heston and Isleworth, Twickenham, Teddington, Hampton, Hampton Wick, Richmond, Walthamstow, Brentford, Barnes, Ham, Kingston-upon-Thames, Surbiton, Malden and Coombe, Wimbledon, Merton, Croydon (rural) (parish of Mitcham only), Croydon (urban), Penge, Beckenham, Bromley, Barking Town, West Ham, East Ham, Leyton, Ilford, Wanstead.

Subject in each case to the following conditions :

- (1) After 8 p.m., in each room in which any woman or young person is being employed, the number of persons employed therein shall not exceed the proportion of one person for every 400 cubic feet of space.
- (2) The period of employment for a child in a morning set shall begin at nine o'clock in the morning, and for a child in the afternoon set shall end at eight o'clock in the evening.
- (3) In the case of factories in the county of London in which letterpress bookbinding is carried on the special exception shall not apply except between the first day of September and the last day of February following.

(*b*) **Notice.**—See s. 60, *post*, p. 79.

37. *Employment of male young persons above sixteen in lace factories.*—(1) In the part of a textile factory (*a*) in which a machine for the manufacture of lace is moved by steam, water or other mechanical power (*a*), the period of employment for any male young person above the age of sixteen years may be between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions ; namely :

- (a) Where he is employed on any day before the beginning or after the end of the ordinary period of employment (*b*), there must be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours ; and
- (b) Where he is employed on any day before the beginning of the ordinary period of employment (*b*), he must not be employed on the same day after the end of that period ; and
- (c) Where he is employed on any day after the end of the ordinary period of employment (*b*), he must not be employed next morning before the beginning of the ordinary period of employment.

(2) For the purpose of this exception the ordinary period of employment means the period of employment for women or young persons under the age of sixteen years in the factory or, if none are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of sixteen years in the factory, and notice of such period shall be affixed in the factory.

(a) For the meaning of these expressions see s. 149, *post*.

(b) **Ordinary Period of Employment.**—See sub-s. (2) of this section, and s. 24, *ante*, p. 41.

Notice.—The occupier must give notice of his intention to avail himself of this exception. See s. 60, *post*, p. 79.

38. *Employment of male young persons above sixteen in bakehouses.*—(1) In the part of a bakehouse in which the process of baking bread is carried on, the period of employment for any male young person above the age of sixteen years may be between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions ; namely :

- (a) Where he is employed on any day before the beginning or after the end of the ordinary period of employment (*a*), there must be allowed him for meals and absence from work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours ; and
- (b) Where he is employed on any day before the beginning of the ordinary period of employment (*a*), he must not be employed on the same day after the end of that period ; and
- (c) Where he is employed on any day after the end of the ordinary period of employment (*a*), he must not be employed next morning before the beginning of the ordinary period of employment.

(2) For the purposes of this exception the ordinary period of employment means the period of employment for women or young persons under the age of sixteen years in the bakehouse or, if none are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of sixteen years in the bakehouse, and notice of that period shall be affixed in the bakehouse.

(a) **Ordinary Period of Employment.**—See sub-s. (2) of this section, and s. 26, *ante*, p. 44.

Notice.—The occupier must give notice of his intention to avail himself of this exception. See s. 60, *post*, p. 79.

39. *Five hours' spell in certain textile factories.*—

(1) In any of the textile factories to which this exception applies, a woman, young person or child may, between the first day of November and the last day of March next following, be employed continuously for five hours without an interval for a meal ; provided that,—

- (a) the period of employment fixed by the occupier and specified in the notice (*a*) begins at seven o'clock in the morning ; and
- (b) the whole time between that hour and eight o'clock is allowed for meals.

(2) This exception applies to textile factories solely used for—

- (a) the making of elastic web ; or
- (b) the making of ribbon ; or
- (c) the making of trimming.

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception and that the manufacturing process carried on therein is of a healthy character and the extension can be made without injury to the health of the women, young persons and children affected thereby, he may, by Special Order (*b*), extend this exception accordingly. The limitation of this exception to the period between the first day of November and the following last day of March shall not, if the Secretary of State by Special Order so directs, apply to hosiery factories (*c*).

(*a*) **Notice.**—See s. 60, *post*, p. 79.

(*b*) **Special Orders.**—By Order, dated December 20th, 1882, this exception has been extended to—

Woollen factories in the counties of Oxford, Wilts, Worcester, Gloucester and Somerset.

Factories in which the only processes carried on are those of winding and throwing raw silk or either of such processes.

(*c*) **Hosiery Factories.**—By Order, dated May 12th, 1902, the exception has also been extended to hosiery factories, and it is further directed that the limitation of the exception to the period between November 1st and the following last day of March shall not apply to such factories: provided that the exception shall apply to any hosiery factory only during such period of the year as may be specified by the occupier in the notice which an occupier availing himself of a special exception is required by s. 60 to serve on the inspector and to exhibit in the factory.

40. *Different meal times for different sets, and employment during meal times.*—(1) The provisions of this Act which require that all the women, young persons and children employed in a factory or workshop must have the times allowed for meals at the same hour of the day shall not apply to the following factories, namely:

- (i) Blast furnaces, or
- (ii) Iron mills, or
- (iii) Paper mills, or
- (iv) Glass works, or
- (v) Letter-press printing works.

(2) The provisions of this Act which require that a woman, young person or child shall not during the times allowed for meals be employed or be allowed to remain

in a room in which a manufacturing process or handicraft is being carried on shall not apply to the following factories, namely :

- (i) Iron mills, or
- (ii) Paper mills, or
- (iii) Glass works (except any part in which the materials are mixed and, in the case of glass works where flint glass is made, any part in which the work of grinding, cutting or polishing is carried on), or
- (iv) Letter-press printing works.

(3) In that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on—

- (i) A male young person may have the times allowed him for meals at different hours of the day from other young persons and women and children employed in the factory ;
- (ii) A male young person may, during the times allowed for meals to any other young person or to any woman or child, be employed or be allowed to remain in a room in which a manufacturing process is carried on ; and
- (iii) During the times allowed for meals to a male young person, any other young person or any woman or child may be employed in the factory or be allowed to remain in a room in which a manufacturing process is carried on.

(4) Where it is proved to the satisfaction of the Secretary of State that in any class of factories or workshops or parts thereof it is necessary, by reason of the continuous nature of the process or of special circumstances affecting that class, to extend thereto both or either of the following exceptions, namely :

- (a) an exception permitting the women, young persons and children employed in the factory or workshop to have the times allowed for meals at different hours of the day ; or
- (b) an exception permitting women, young persons and children, during the times allowed for meals in the factory or workshop, to be employed in the factory or workshop or to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on,

and that the extension can be made without injury to the health of the women, young persons and children, affected thereby, he may, by Special Order (a), extend both or either of those exceptions accordingly.

Notice.—The occupier must give notice of his intention to avail himself of the exceptions contained in sub-ss. (3) and (4). See s. 60, *post*, p. 79.

(a) **Special Orders.**—Exception (a), and so much of exception (b) as relates to women, young persons, and children, during the times allowed for meals, being allowed to remain in a room in which a manufacturing process or handicraft is being carried on, have been extended, by Orders dated December 20th, 1882, to—

- (a) textile factories wherein female young persons or women employed in a distinct department in which there is no machinery commence work at a later hour than the men and other young persons, subject to the condition that all in the same department shall have their meals at the same time ;
- (b) non-textile factories and workshops wherein is carried on the making of wearing apparel ;
- (c) non-textile factories and workshops wherein there are two or more departments or sets of young persons, subject to the condition that all in the same department or set shall have their meals at the same time ;
- (d) the following non-textile factories and workshops, viz. : Dressing floors, tin streams, china clay pits, and quarries, in the county of Cornwall ;

And by Orders, dated February 24th, 1887, to
**non-textile factories wherein is carried on the making
of bread or biscuits by means of travelling ovens.**

Also by Order dated May 1st, 1896, exception (a) has been extended to factories and workshops in which is carried on

the printing of photographs,

subject to the condition that in every factory and workshop the occupier of which avails himself of this exception, there shall be affixed a notice showing the names of the children, young persons, and women employed in the factory or workshop, and the times allowed to each of them for meals.

Also by Order dated July 20th, 1899, exceptions (a) and (b) have been extended to factories in which is carried on

the spinning of artificial silk,

subject to the following conditions :

- (1) One set of meal hours shall be appointed for the children, young persons and women whose ordinary employment in the factory is the spinning of artificial silk ; another set for all other children, young persons, and women employed in the factory.

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- (2) All children, young persons, and women whose ordinary employment in the factory is the spinning of artificial silk, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory, or be allowed to remain in a room in which any manufacturing process or handicraft is then being carried on.
- (3) All other children, young persons and women employed in the factory, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory, or be allowed to remain in a room in which any manufacturing process or handicraft is then being carried on.
- (4) In every room in which any child, young person, or woman is employed in the spinning of artificial silk, there shall be affixed a complete and accurate list of all children, young persons, and women, whose ordinary employment in the factory is the spinning of artificial silk, together with a statement of the meal hours appointed for them.
- (5) In every room in which any child, young person, or woman is employed in the spinning of artificial silk, there shall be at least 1,000 cubic feet of air space to each person employed.

Also by Order dated September 6th, 1899, exceptions (a) and (b) have been extended to textile factories in which the material used is
flax, jute, or hemp,

subject to the following conditions :

- (1) One set of meal hours shall be appointed for the children, young persons, and women whose sole employment in the factory is the sweeping and removal of waste from the floors, hereinafter referred to as sweepers ; another set for all other children, young persons, and women employed in the factory.
- (2) All sweepers shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory.
- (3) All other children, young persons, and women employed in the factory, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory.
- (4) At the entrance of the factory there shall be kept posted a complete and accurate list of all sweepers employed in the factory, together with a statement of the meal hours appointed for them.
- (5) In every room in which both sweepers and other persons are employed there shall be at least 1,000 cubic feet of air space to each person employed.

A further Order dated March 11th, 1903, directs that the following special exceptions, namely :

- (a) An exception permitting young persons employed in a factory or a workshop to have the times allowed for meals at different hours of the day ; and
- (b) An exception permitting young persons during the times allowed for meals in the factory or workshop to be

allowed to remain in a room in which a manufacturing process or handicraft is being carried on ;
 shall extend to young persons above the age of sixteen, employed in
electrical stations,
 subject to the following conditions :

- (1) For the purpose of ensuring that a reasonable temperature shall be maintained as required by s. 6 of the Act, thermometers shall be provided, maintained and kept in working order in suitable positions in each room where such young persons are employed ;
- (2) Sufficient and suitable sanitary accommodation complying with the requirements of any special order made by the Secretary of State under s. 9 of the Act shall be provided ;
- (3) The exception shall apply only to young persons employed as assistants to adults who are actually present with them during the whole time of their employment.

A further Order dated June 23rd, 1904, directs that the following special exceptions, namely :

- (a) An exception permitting young persons employed in a factory or a workshop to have the times allowed for meals at different hours of the day ; and
 - (b) An exception permitting young persons during the times allowed for meals in the factory or workshop to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on ;
- shall extend to male young persons employed in
iron and steel foundries.

A further Order, dated October 13th, 1908, directs that the following special exceptions, namely :

- (a) An exception permitting women and young persons employed in a workshop to have the times allowed for meals at different hours of the day ; and
 - (b) An exception permitting women and young persons during the times allowed for meals in the workshop to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on ;
- shall extend to women and young persons employed in
florists' workshops

subject to the condition that in every workshop the occupier of which avails himself of this exception there shall be affixed a notice showing the names of the women and young persons employed in the workshop and the times allowed to each of them for meals.

41. *Special exceptions as to fish and fruit preserving.*]—

(1) The provisions of this Act as to period of employment, times for meals and holidays shall not apply to young persons and women engaged—

- (a) in processes in the preserving and curing of fish (*a*)
 which must be carried out immediately on the

arrival of the fishing boats in order to prevent the fish from being destroyed or spoiled ; or

- (b) in the process of cleaning and preparing fruit (a) so far as is necessary to prevent the spoiling of the fruit immediately on its arrival at a factory or workshop during the months of June, July, August and September, but this exception shall be subject to such conditions as the Secretary of State may by Special Order prescribe (b).

(2) Where an occupier avails himself of this exception, the notice (c) required to be served and affixed by an occupier of a factory or workshop availing himself of any special exception need not specify the hours for the beginning and end of the period of employment or the times to be allowed for meals.

By s. 3 of the Employment of Children Act, 1903 (*post*, p. 367), young persons under fourteen must not be employed before 6 a.m. or after 9 p.m.

(a) **Fish and Fruit Preserving.**—Care must be taken not to confuse these exceptions with the provisions of s. 50, *post*, p. 71, which allow women to work a certain amount of overtime upon the processes (*inter alia*) of making preserves from fruit, and preserving or curing fish. The processes to which this section (s. 41) applies, are those which are immediately necessary to prevent the decomposition of the fish or fruit.

(b) **Special Order.**—The Secretary of State has directed, by Order dated September 11th, 1907, that the following conditions shall be observed in factories and workshops in which women and young persons are employed in the process of cleaning or preparing fruit in pursuance of the special exception allowed by this section :

Provided that the conditions prescribed in paragraphs 1, 2, 3 (e), 3 (f) and 4 shall not take effect until June 1st, 1908.

1. There shall be sufficient and suitable sanitary accommodation for the use of all persons employed, as defined in the Special Order made by the Secretary of State under section 9 of the Factory and Workshop Act, 1901.
2. There shall be sufficient and suitable washing accommodation for the use of all persons employed in cleaning or preparing fruit.
3. In each room in which women or young persons are employed in pursuance of the special exception :
 - (a) There shall be not less than 400 cubic feet of air space for each person employed in the room.
 - (b) If any process is carried on which entails the giving off of steam, a fan or other efficient means shall be maintained and used for the removal of steam at or near to the point of origin.

- (c) A thermometer shall be kept affixed.
 - (d) The floors shall be maintained in good condition ; and, if any wet process is carried on, so drained as to carry the wet away from the workers.
 - (e) The walls and ceilings shall once in every six months be limewashed, or, if the surface be such as not to admit of limewashing, washed.
 - (f) There shall be adequate lighting.
4. No woman or young person shall be employed in pursuance of the special exception unless and until the occupier holds a certificate from the inspector of the district, to the effect that provision has been made to his satisfaction for compliance with the foregoing requirements of this Order, for the maintenance of a reasonable temperature, and for ventilation.
Such certificate shall be in writing, and shall be kept attached to the general register, and shall be revocable at any time by one week's notice in writing from the inspector of the district.
 5. No young person shall be employed to lift, carry, or move any weight so heavy as to be likely to cause injury to such young person.
 - 6.—(a) No woman or young person shall be employed before six o'clock in the morning or after ten o'clock in the evening.
(b) In the case of young persons, a period of not less than ten hours shall elapse between the termination of work on one day and the commencement of work on the following day.
 7. No woman or young person shall be employed continuously for more than five hours without an interval of at least half an hour.
 8. There shall be an interval of one hour at least, either at the same time or at different times, before three o'clock in the afternoon.
 9. No woman or young person shall be employed in pursuance of the exception who has since the first day of October last preceding been employed by the same occupier outside the ordinary period of employment in pursuance of any other special exception.
 10. The occupier shall each year, before employing any person in pursuance of the special exception, enter in the prescribed notice, which shall be kept affixed in the factory or workshop, the name of such person, and whether under 16, under 18, or over 18 years of age, and a declaration that such person has not been employed outside the ordinary period of employment in pursuance of any other special exception since the first day of October last preceding.
 11. On every day on which a woman or young person is employed in pursuance of the special exception, the occupier shall enter in the prescribed register, and report to the inspector of the district in the prescribed form, the hour at which the fruit arrived at the factory or workshop, the processes on which women or young persons were

employed in pursuance of the exception, the periods of employment of such women and young persons, and the intervals allowed them for meals.

(c) **Notice.**—See s. 60, *post*, p. 79.

42. *Special exceptions as to creameries.*]—In the case of creameries in which women and young persons are employed, the Secretary of State may, by Special Order, vary the beginning and end of the daily period of employment of those women and young persons and the times allowed for their meals and allow their employment for not more than three hours on Sundays and holidays : Provided that the order shall not permit any excess over either the daily or the weekly maximum number of hours of employment allowed by this Act (a).

Care must be taken not to confuse this section with the provisions of s. 50, *post*, p. 71, which allow women to work a certain amount of overtime upon the process (*inter alia*) of making condensed milk.

By s. 3 of the Employment of Children Act, 1903, *post*, p. 367, young persons under fourteen must not be employed before 6 a.m. or after 9 p.m.

Notice.—The occupier must give notice of his intention to avail himself of this exception. See s. 60, *post*, p. 79.

(a) **Special Order.**—The Secretary of State has granted the following special exceptions to creameries by Order dated October 23rd, 1903 :

- (1) During the months of May to October inclusive women and young persons may be employed during a period of employment which shall on Saturdays or any day substituted for Saturday, in pursuance of s. 43, begin at 6 a.m. and end at 2 p.m., and on the other week days begin at 6 a.m. and end at 9 p.m., and shall on Sundays and holidays be a period of three consecutive hours to be fixed between 6 a.m. and 7 p.m., subject to the following conditions :
 - (i) A woman or young person shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal ;
 - (ii) There shall be allowed for intervals on Saturday, or the day substituted for Saturday, not less than one hour, and on the other week days not less than five hours, including the whole time from 12 noon to 4 p.m.
 - (iii) No overtime shall be worked in the creamery in pursuance of any other exception.
- (2) In creameries where the above exception is not used, women and young persons may be employed during the said months on Sundays and holidays during a period of three

consecutive hours to be fixed between 6 a.m. and 7 p.m., subject to the following conditions :

- (i) An interval of not less than half-an-hour shall be allowed within the period of employment on each week day in addition to those required by the Act.
- (ii) No overtime shall be worked in the creamery in pursuance of any other exception.

NOTE.—*Before this exception is used in any creamery, a notice must, in pursuance of s. 60 of the Factory and Workshop Act, 1901, be posted in the creamery showing the beginning and end of the period of employment and the intervals to be allowed, and a copy of such notice must be sent to the inspector. The notice must be kept affixed so long as the exemption is used.*

No change may be made in the periods or intervals specified in the notice until the occupier has served on the inspector, and affixed in the creamery, notice of his intention to make the change, nor more often than once a quarter unless for special cause allowed in writing by an inspector.—Section 32.

43. *Substitution of another day for Saturday.*—Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for women, young persons and children is required by this Act to end on Saturday, he may, by Special Order (a), grant to that class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice (b) affixed in his factory or workshop some other day for Saturday, and in that case this Act shall apply in the factory or workshop in like manner as if the substituted day were Saturday and Saturday were an ordinary work day. In the case of newspaper printing offices (c), he may by such order authorise the substitution of some other day for Saturday in respect of some of the young persons therein employed.

(a) **Special Order.**—This exception has been granted by Order dated December 26th, 1907, to—

Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time tables, or of law or parliamentary proceedings ;

Non-textile factories and workshops in which is carried on any manufacturing process or handicraft in connection with a retail shop on the same premises ;

Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food ;

Non-textile factories and workshops in places in which the market day is Saturday, or in which a special day has been set apart for weekly half-holiday ;

Laundries.

(b) **Notice.**—See s. 60, *post*, p. 79.

(c) **Newspapers.**—An Order, dated February 3rd, 1902, authorises the occupier of every non-textile factory in which is carried on the printing of newspapers, to substitute some other day for Saturday in respect of some only of the young persons employed therein, subject to the condition that a list of the young persons in respect of whom another day is substituted, shall be kept constantly affixed in the factory.

44. *Saturday employment in Turkey red dyeing.*]—In the process of Turkey red dyeing the period of employment for women and young persons on Saturday may extend until half-past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work, which must in no case be exceeded.

Notice.—The occupier must give notice of his intention to avail himself of this exception. See s. 60, *post*, p. 79.

45. *Holidays on different days for different sets.*]—Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may, by Special Order (a), grant to that class of factories or workshops a special exception authorising the occupier of any such factory or workshop to allow all or any of the annual whole holidays or half-holidays (b) on different days to any of the women, young persons and children employed in his factory or workshop, or to any sets of those women, young persons and children, and not on the same days.

Notice.—The occupier must give notice of his intention to avail himself of this exception. See s. 60, *post*, p. 79.

(a) **Special Orders.**—This exception has been authorised by Order dated December 20th, 1882, in—

(a) Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time tables, or of law or parliamentary proceedings ;

(b) Non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connection with a retail shop on the same premises ;

- (c) Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food ;
- (d) Non-textile factories in which is carried on the manufacture of plate glass.

And by further Order dated October 13th, 1908 (as amended by subsequent Order), the exception, so far only as it applies to women and young persons, has been extended to the following factories and workshops :

Hospital laundries in Scotland.

(b) **Holidays.**—See s. 35, *ante*, p. 52.

46. *Employment inside and outside on the same day.*]—Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops or parts thereof, either generally or when situate in any particular locality, require that that trade should be excepted from the operation of the provisions of this Act relating to employment inside and outside (a) a factory or workshop on the same day, he may, by Special Order (b), grant to that class of factories or workshops or parts thereof such special exception as may be necessary.

Notice.—The occupier must give notice of his intention to avail himself of this exception. See s. 60, *post*, p. 79.

(a) **Inside and Outside Employment.**—See s. 31, *ante*, p. 49.

(b) **Special Order.**—No such Order is at present (January, 1909) in force.

47. *Hours and holidays in factory or workshop of Jewish occupier.*]—Where the occupier of a factory or workshop is a person of the Jewish religion—

- (1) If he keeps his factory or workshop closed on Saturday until sunset, he may employ women and young persons on Saturday from after sunset until nine o'clock in the evening ; or
- (2) If he keeps his factory or workshop closed on Saturday both before and after sunset, he may employ women and young persons one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment and be not before six o'clock in the morning or after nine o'clock in the evening.

Notice.—The occupier must give notice of his intention to avail himself of this exception. See s. 60, *post*, p. 79.

48. *Sunday employment of Jews in factory or workshop of Jewish occupier.*—Where the occupier of a factory or workshop is a person of the Jewish religion, a woman or young person of the Jewish religion may be employed on Sunday, subject to the following conditions :

- (1) The factory or workshop must be closed on Saturday and must not be opened for traffic (a) on Sunday ; and
- (2) The occupier must not avail himself of the exception authorising the employment of women and young persons on Saturday evening or for an additional hour during any other day in the week (b).

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday and in the provisions thereof respecting Saturday the word Sunday or, if the occupier so specify in the notice, the word Friday were substituted for Saturday.

Notice.—The occupier must give notice of his intention to avail himself of this exception. See s. 60, *post*, p. 79.

(a) **Open for Traffic.**—In *Goldstein v. Vaughan*, [1897] 1 Q. B. 549 ; 61 J. P. 227 ; 66 L. J. Q. B. 380 ; 76 L. T. 262 ; 45 W. R. 399, the appellant, who was of the Jewish religion, was the occupier of a workshop. He made arrangements with his customers to do certain work at certain prices upon certain articles sent to him. The workshop was closed on Saturday, and was open on Sunday in order that the articles in question might be sent from and fetched to his workshop, in pursuance of contracts previously made, and for no other purpose whatsoever :—*Held*, that he did not keep his workshop open for traffic on Sunday within the meaning of this section.

(b) **Exception**—*i.e.*, the exceptions allowed in s. 47, *supra*.

Overtime.

49. *Overtime employment of women for press of work.*—(1) In the non-textile factories and workshops or parts thereof and warehouses to which this exception applies, the period of employment for women on any day except Saturday or any day substituted for Saturday may be between six o'clock in the morning and eight o'clock in the evening or between seven o'clock in the morning and nine o'clock in the evening or between eight o'clock in

the morning and ten o'clock in the evening, if they are employed in accordance with the following conditions, namely :

- (a) There must be allowed to every woman for meals during the period of employment not less than two hours, of which half an hour must be after five o'clock in the evening ; and
- (b) A woman must not be so employed in the whole for more than three days in any one week (a) ; and
- (c) Overtime employment under this section must not take place in a factory or workshop on more than thirty days in the whole in any twelve months and, in reckoning that period of thirty days, every day on which any woman has been employed overtime is to be taken into account.

(2) This exception applies to the non-textile factories and workshops and parts thereof and warehouses specified in the Second Schedule to this Act (b), except that it does not apply to a workshop or part thereof which is conducted on the system of not employing any young person or child therein (c).

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather or by reason of press of work arising at certain recurring seasons of the year or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ women in manner authorised by this exception and that such employment will not injure the health of the women affected thereby, he may, by Special Order (d), extend this exception to those factories or workshops or parts thereof.

By s. 3 (i), *ante*, p. 14, a cubic space of 400 feet is required for every person working overtime. See also note (b) to s. 58, *post*, p. 79.

By s. 151, *post*, p. 190 (which relates to the carrying on of different departments of work in the same factory or workshop as if they were separate factories or workshops), the Secretary of State has made Orders that different departments of factories and workshops in which overtime may be worked by women, may be

treated, so far as regards the employment of women upon overtime work, as if each department were a separate factory or workshop subject to certain conditions which are fully set out in the notes to s. 151.

It must be observed that no overtime can be worked in textile factories, except in water-mills under s. 52, in warehouses under Sched. 2 (4), and in the case of persons of the Jewish religion under s. 47.

Notice.—The occupier must give notice of his intention to avail himself of this exception. See s. 60, *post*, p. 79.

(a) **Week.**—For definition, see s. 156, *post*, p. 197.

(b) *Post*, p. 207.

(c) **Women's Workshops.**—For hours of employment in these, see s. 29, *ante*, p. 48.

(d) **Special Order.**—See notes to Sched. 2, *post*, pp. 208, 209.

50. *Overtime employment of women on perishable articles.*—(1) In the factories and workshops and parts thereof to which this exception applies, the period of employment for a woman may, on any day except Saturday or any day substituted for Saturday, be between six o'clock in the morning and eight o'clock in the evening or between seven o'clock in the morning and nine o'clock in the evening, if she is employed in accordance with the following conditions, namely :

(a) There must be allowed her for meals not less than two hours, of which half an hour must be after five o'clock in the evening ; and

(b) She must not be so employed in the whole for more than three days in any one week (a) ; and

(c) Overtime employment under this section must not take place in a factory or workshop on more than fifty days in the whole in any twelve months ; and, in reckoning that period of fifty days, every day on which any woman has been employed overtime is to be taken into account.

(2) This exception applies to every factory and workshop or part thereof in which is carried on—

(a) the process of making preserves from fruit (b) ; or

(b) the process of preserving or curing fish (b) ; or

(c) the process of making condensed milk (c).

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by

reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception and that such employment will not injure the health of the women employed, he may, by Special Order (*d*), extend this exception to those factories or workshops or parts thereof.

(*a*) **Week.**—For definition, see s. 156, *post*, p. 197.

(*b*) **Fruit and Fish Preserving.**—This provision must not be confused with s. 41, *ante*, p. 62, which allows unlimited overtime where there is immediate danger of decomposition.

(*c*) **Condensed Milk.**—This provision must not be confused with s. 42, *ante*, p. 65, which gives the Secretary of State power to vary the times of employment of women and young persons employed in creameries.

(*d*) **Special Order.**—No such Order is at present (January, 1909) in force.

51. Overtime employment on incomplete process.]—(1) If, in any factory or workshop or part thereof to which this exception applies, the process in which a woman, young person or child is employed is in an incomplete state at the end of the period of employment of the woman, young person or child, the woman, young person or child may, on any day except Saturday or any day substituted for Saturday (*a*), be employed for a further period not exceeding thirty minutes (*b*) :

Provided that those further periods, when added to the total number of hours of the periods of employment of the woman, young person or child in that week (*c*), do not raise that total above the number otherwise allowed under this Act.

(2) This exception applies to the factories and workshops following, namely :

- (*a*) Bleaching and dyeing works ;
- (*b*) Print works ;
- (*c*) Iron mills in which male young persons are not employed during any part of the night ;
- (*d*) Foundries in which male young persons are not employed during any part of the night ; and
- (*e*) Paper mills in which male young persons are not employed during any part of the night.

(3) Where it is proved to the satisfaction of the Secretary of State that, in any class of non-textile

factories or workshops or parts thereof, the time for the completion of a process cannot, by reason of the nature thereof, be accurately fixed, and that the extension to that class of factories or workshops or parts thereof of this exception can be made without injury to the health of the women, young persons and children affected thereby, he may by Special Order (*d*) extend this exception accordingly.

(*a*) See ss. 43, 47, *supra*, pp. 66, 68.

(*b*) **Extra Half-hour.**—The half-hour extra work can only be taken at the end of the day's work, not at meal times. But no young person under fourteen or child may under any circumstances be employed after 9 p.m. (Employment of Children Act, 1903, s. 3, *post*, p. 367).

(*c*) **Week.**—For definition, see s. 156, *post*, p. 197.

(*d*) **Special Order.**—The provisions of this section have been extended by Order dated December 20th, 1882, to non-textile factories and workshops, or parts thereof, in which is carried on the process of baking of bread or biscuits, and to the following non-textile factories and workshops :

Dressing floors,	} in the county of Cornwall.
Tin streams,	
China clay pits, and	
Quarries,	

52. *Overtime employment in factories driven by water.*—

Where it appears to the Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by Special Order (*a*), grant to those factories a special exception permitting the employment of women and young persons during a period of employment from six o'clock in the morning until seven o'clock in the evening, on such conditions as he thinks proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday or any day substituted for Saturday, and that, as regards factories liable to be stopped by drought, the special exception shall not extend to more than ninety-six days in any period of twelve months and, as regards factories liable to be stopped by floods, the special exception shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months.

(a) **Special Order.**—This exception has been granted by Order dated December 20th, 1882, to—

Factories in which water power *alone* is used to move the machinery, upon the following additional conditions :

- (1) No person employed under this special exception shall be thereby deprived of the meal hours by the Act provided, or be so employed on Saturday.
- (2) Notice of the time lost and the cause thereof shall be reported to the inspector within three days of such loss.
- (3) Notice of the recovery of the time lost shall be reported to the inspector day by day as the same has been recovered.
- (4) This special exception shall not be available—
 - (a) for the recovery of any time lost more than twelve months previously ;
 - (b) for the recovery of time lost from the stoppage of the factory by drought, for more than ninety-six days in any period of twelve months ;
 - (c) for the recovery of time lost from the stoppage of the factory by floods, for more than forty-eight days in any period of twelve months.
- (5) This special exception will not authorise the employment of children.

53. *Overtime employment in Turkey red dyeing and open-air bleaching.*—A woman or young person may, on any day except Saturday or any day substituted for Saturday, be employed beyond the period of employment, so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing or from any extraordinary atmospheric influence in the process of open-air bleaching.

No young person under fourteen may under any circumstances be employed after 9 p.m. (Employment of Children Act, 1903, s. 3, *post*, p. 367).

Night Work.

54. *Night employment of male young persons of fourteen.*—(1) In the factories and workshops to which this exception applies, a male young person of fourteen years of age and upwards may be employed during the night (a), if he is employed in accordance with the following conditions, namely—

- (a) The period of employment must not exceed twelve consecutive hours and must begin and end at

the hour specified in the notice in this Act mentioned (*b*) ; and

- (b) The provisions of this Part of this Act with respect to the allowance of times for meals (*c*) shall be observed with the necessary modifications as to the hour at which the meal times are fixed ; and
- (c) A young person employed during any part of the night must not be employed during any part of the twelve hours preceding or succeeding the period of employment ; and
- (d) He must not be employed on more than six nights or, in the case of blast furnaces or paper mills, seven nights in any two weeks (*d*) ; provided that this condition shall not prevent the employment of male young persons in three shifts of not more than eight hours each, if there is an interval of two unemployed shifts between each two shifts of employment ; and
- (e) In the case of blast furnaces, iron mills, letter-press printing works or paper mills, he must not be employed during the night in any process other than a process incidental to the business of the factory as described in Part I. of the Sixth Schedule to this Act (*e*).

(2) The provisions of this Act with respect to the period of employment on Saturday (*f*) and with respect to the allowance to young persons of whole or half-holidays shall not apply to a male young person employed in day and night turns in pursuance of this exception.

(3) This exception applies to the following factories, namely :

- (a) Blast furnaces,
- (b) Iron mills,
- (c) Letter-press printing works, and
- (d) Paper mills.

(4) Where it is proved to the satisfaction of the Secretary of State that, in any class of non-textile factories or workshops or parts thereof, it is necessary, by reason of the nature of the business requiring the process to be carried on throughout the night, to employ male young persons of sixteen years of age and upwards at night, and that such employment will not injure the health of the male young persons employed, he may,

by Special Order (*g*), extend this exception to those factories or workshops or parts thereof so far as regards young persons of the age of sixteen years and upwards.

(a) **Night**.—For definition see s. 156, *post*, p. 196.

(b) See s. 32, *ante*, p. 50, and s. 60, *post*, p. 79.

(c) See ss. 26, 33, 40, *ante*, pp. 42, 52, 58.

(d) **Week**.—For definition, see s. 156, *post*, p. 197.

(e) *Post*, p. 215.

(f) See s. 26, *ante*, p. 44.

(g) **Special Orders**.—By Order dated March 11th, 1903, this exception has been extended to male young persons of the age of sixteen and upwards employed in

electrical stations,

subject to the conditions prescribed in sub-s. (1) and to the following further conditions :

- (1) For the purpose of ensuring that a reasonable temperature shall be maintained as required by s. 6 of the Act, thermometers shall be provided, maintained and kept in working order in suitable positions in each room where such young persons are employed ;
- (2) Sufficient and suitable sanitary accommodation complying with the requirements of any Special Order made by the Secretary of State under s. 9 of the Act shall be provided ;
- (3) The exception shall apply only to young persons employed as assistants to adults who are actually present with them during the whole time of their employment.

Also by Order dated May 4th, 1903, the exception has been extended to male young persons of the age of sixteen years and upwards employed in the following places and processes in non-textile factories and workshops, subject to the conditions prescribed in sub-s. (1) :

That part of a factory in which reverberatory or regenerative furnaces are used and are necessarily kept in operation day and night in order to avoid waste of material or fuel.

The knocking out and cutting departments of factories engaged in the refining of loaf sugar.

The process of galvanizing sheet metal and wire in factories.

Such parts of mineral dressing floors in Cornwall as are appropriated to the processes of calcining and stamping.

China clay works.

Factories and workshops connected with lead and zinc mines in which the concentration of the ores is carried on.

Also by Order dated August 9th, 1904, the exception has been extended to male young persons of the age of sixteen years and

upwards employed on the system of three shifts of not more than eight hours each in—

the processes of pressing and reeling cordite and nitrating and moulding gun cotton carried on in non-textile factories, subject to the conditions prescribed in sub-s. (1).

Also by Order dated February 18th, 1905, the exception has been extended to male young persons of the age of sixteen years and upwards employed in—

the process of continuous wire drawing carried on in non-textile factories, subject to the conditions prescribed in sub-s. (1).

55. *Night employment of male young persons of fourteen in glass works.*]—In glass works a male young person of fourteen years of age and upwards may work according to the accustomed hours of the works, if he is employed in accordance with the following conditions, namely :

- (a) The total number of hours of the periods of employment must not exceed sixty in any one week (a) ; and
- (b) The periods of employment must not exceed fourteen hours in four separate turns per week (a) or twelve hours in five separate turns per week or ten hours in six separate turns per week or any less number of hours in the accustomed number of separate turns per week, so that the number of turns do not exceed nine ; and
- (c) He must not work in any turn without an interval of time not less than one full turn ; and
- (d) He must not be employed continuously for more than five hours without an interval of at least half an hour for a meal ; and
- (e) He must not be employed on Sunday.

(a) **Week.**—For definition, see s. 156, *post*, p. 197.

56. *Night employment of male young persons of sixteen in printing newspapers.*]—In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week (a), a male young person above the age of sixteen years may be employed at night (a) during not more than two nights in a week, as if he were no longer a young person :

Provided that he must not, in pursuance of this exception, be employed more than twelve hours in any consecutive period of twenty-four hours.

(a) **Week—Night.**—For definitions, see s. 156, *post*, p. 196.

Intermittent Employment.

57. *Exemption for certain flax scutch mills.*]—(1) *The regulations of this Act with respect to the period of employment for women shall not apply to flax scutch mills which are conducted on the system of not employing either young persons or children therein, and which are worked intermittently and for periods only which do not exceed in the whole six months in any year.*

(2) *A flax scutch mill shall not be deemed to be conducted on the system of not employing either young persons or children therein, until the occupier has served on an inspector notice of his intention to conduct the mill on that system.*

This section was repealed by the Employment of Women Act, 1907, *post*, p. 244, which was passed in order to bring the law of the United Kingdom into conformity with the requirements of the Berne Convention of 1906.

Supplemental.

58. *Power to impose sanitary requirements as condition of special exceptions.*]—(1) Where it appears to the Secretary of State—

(a) That the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of women, young persons or children employed, in pursuance of an exception under this Part of this Act, either for a longer period than is otherwise allowed by this Act or at night (a) ; or

(b) That the adoption of a special provision as to the total number of hours of employment in each week, the periods of employment and the intervals between such periods is required for the protection of the health of any women or young persons employed in pursuance of such an exception at night (a),

he may, by Special Order (*b*), direct that the adoption of the means or provision shall be a condition of such employment.

(2) If it appears to the Secretary of State that the adoption of any such means or provision is no longer required or is, having regard to all the circumstances, inexpedient, he may, by Special Order, rescind the order directing the adoption, without prejudice to the subsequent making of another order.

(a) **Night.**—For definition, see s. 156, *post*, p. 196.

(b) **Special Order.**—On December 20th, 1882, the Secretary of State ordered that 400 cubic feet of air space should be provided for women working overtime under s. 49, *ante*, p. 69. The order originally extended to young persons, but this part of it was repealed by s. 14 (1) of the Act of 1895. So far as regards factories, this is now of no practical importance, since the ground is completely covered by s. 3 (1), *ante*, p. 14. But with respect to the workshops covered by the order (*i.e.*, those mentioned in Sched. 2, *post*, p. 207, and the notes thereto), the position seems to be as follows : If women are working overtime under s. 49, and the proper amount of air space is not provided, two remedies are available against the occupier : (1) He can be prosecuted for overcrowding under s. 91 of the Public Health Act, 1875, and s. 3 (1) of this Act, by the local authority, and can be fined £5 ; (2) he can be prosecuted by the factory inspector under s. 60 (5) of this Act, *post*, for not keeping his workshop in conformity with the Act, and can be fined £10.

59. *Power to rescind orders as to special exceptions.*]—Where an exception has been granted or extended under this Act by an order of the Secretary of State and it appears to the Secretary of State that the exception is injurious to the health of the women, young persons or children employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the exception was so granted or extended, he may, by Special Order, rescind the grant or extension, without prejudice to the subsequent making of another order.

60. *Notices, registers, etc., relating to special exceptions.*]—(1) An occupier (*a*) of a factory or workshop, not less than seven days before he avails himself of any special exception made by or in pursuance of this Act, shall serve on the

inspector for the district and affix in his factory or workshop notice (*b*) of his intention so to avail himself and, whilst he avails himself of the exception, shall keep the notice so affixed.

(2) Before the service of the notice on the inspector, the special exception shall not be deemed to apply to the factory or workshop and, after the service of the notice on the inspector, it shall not be competent in any proceeding under this Act for the occupier to prove that the exception does not apply to his factory or workshop, unless he has previously served on the inspector for the district notice that he no longer intends to avail himself of the exception.

(3) The notice so served and affixed must, except as otherwise provided by this Act (*c*), specify the hours for the beginning and end of the period of employment and the times to be allowed for meals to every woman, young person and child, where they differ from the ordinary hours or times.

(4) An occupier of a factory or workshop shall enter in the prescribed register (*d*) and report to the inspector for the district the prescribed particulars respecting the employment of a woman, young person or child in pursuance of a special exception; and, in the case of employment overtime, he shall also cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and he shall send the report required by this sub-section to the inspector not later than eight o'clock in the evening on which any woman, young person or child is employed overtime in pursuance of the exception.

(5) Where the occupier of a factory or workshop avails himself of a special exception made by or in pursuance of this Act and a condition for availing himself of that exception (whether specified in this Act, or in an order of the Secretary of State made under this Act) is not observed in that factory or workshop, then

(a) If the condition relates to the cleanliness, ventilation or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act (*e*); and

(b) In any other case a woman, young person or child employed in the factory or workshop, in alleged

pursuance of the exception, shall be deemed to be employed contrary to the provisions of this Act (*d*).

(6) Where an occupier of a factory or workshop has served on an inspector a report, in pursuance of this section, of his intention to employ any persons overtime by virtue of a special exception, the report shall, unless withdrawn, be *primâ facie* evidence, in any proceedings under this Act, that the occupier has in fact employed persons overtime in accordance with the report.

The section does not apply to domestic workshops and factories (see s. 111, *post*, p. 138), unless a dangerous process is carried on therein (s. 112).

Laundries.—The provisions of s. 2 of the Act of 1907, *post*, p. 230, with regard to hours of employment in laundries are declared to be special exceptions within the meaning of this section.

(a) **Occupier.**—In the case of tenement factories this liability is transferred to the owner by s. 87, *post*, p. 104.

(b) **Notice.**—A list of these notices will be found among the Official Forms, Appendix, *post*, p. 324.

(c) **Exception.**—See s. 41, *ante*, p. 62.

(d) **Prescribed Register.**—See s. 129, *post*, p. 165.

(e) **Penalty.**—See ss. 135 and 137, *post*, pp. 172, 176.

(iii) FITNESS FOR EMPLOYMENT.

61. *Prohibition of employment of women after childbirth.*]

—An occupier of a factory or workshop shall not knowingly allow a woman or girl to be employed therein within four weeks after she has given birth to a child.

Penalty.—See s. 137, *post*, p. 176.

62. *Prohibition of employment of children under twelve.*]

—A child under the age of twelve years must not be employed in a factory or workshop unless lawfully so employed at the commencement of this Act (*a*).

The prescribed age was ten under the Act of 1878 (s. 20), and was increased to eleven under the Act of 1891 (s. 18). Under the Education Acts the minimum age was fixed as follows:—For England and Wales: Twelve (Elementary Education (School Attendance) Act (1893) Amendment Act, 1899, s. 1). For Scotland: Twelve (Education (Scotland) Act, 1901, s. 2). For Ireland: Eleven (Irish Education Act, 1892, s. 2).

The prohibition appears to be absolute, and the employment of a child who is in fact under twelve is probably an offence, even if the child states that he is over twelve and the master has every reason to believe the statement to be correct. But in *Carty v. Nichol* (1878), 6 Rettie, 194, a child of thirteen obtained full time employment as a young person by saying that he was over fourteen. At the end of four days, and before the master had had time to verify the statement as to age, the child met with an accident and brought a common law action for negligence against the master, alleging *inter alia* that the employment was illegal under the Factory Acts. Two of the judges in the Court of Session expressed an opinion that the master had committed no offence.

(a) **Penalty.**—See s. 137, *post*, p. 176.

63. *Certificates of fitness for employment of young persons under sixteen and children in factories.*—(1) In a factory a young person under the age of sixteen years or a child must not be employed for more than seven or, if the certifying surgeon (a) for the district resides more than three miles from the factory, thirteen work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of the young person or child for employment in that factory (b).

(2) When a child becomes a young person (c), a fresh certificate of fitness must be obtained.

(3) The occupier shall, when required, produce to an inspector at the factory in which a young person or child is employed the certificate of fitness of that young person or child for employment.

This and the following sections impose an important responsibility upon the occupier of a factory, for by them the certificate of fitness cannot be granted until a certificate of birth or other sufficient evidence has been previously obtained; hence the employment of a young person or child under age before the grant of a certificate of fitness is probably illegal (see preliminary note to s. 62, *ante*), and care should be taken that certificates of birth or other sufficient evidence of age are produced when fresh hands are taken on.

Certificates of fitness are not required to be produced in workshops (except in those mentioned in the note to s. 66, *post*). The occupier is, therefore, directly responsible that the persons whom he employs are not under the prescribed ages, and it is the more incumbent upon him to require certificates of birth to be obtained. The occupier of a workshop may, however, if he thinks fit, obtain certificates of fitness for his own satisfaction (s. 65, *post*, p. 85), and the Secretary of State has power, by s. 66, *post*, p. 85, to extend the provisions of these sections to workshops. It may also be noted that by s. 67, *post*, p. 86, an

inspector may in the special cases mentioned in that section require a certificate of capacity in workshops as well as in factories. In the case of domestic factories the obtaining of certificates of fitness is optional. See s. 111 (3), *post*, p. 139, and s. 65, *post*, p. 85.

(a) **Certifying Surgeon.**—For appointment of certifying surgeons, their duties, etc., see ss. 122—124, *post*, pp. 161, 162. When no certifying surgeon has been appointed, the poor law medical officer may act in England (s. 123, *post*, p. 161); the medical officer under the Public Health Act in Scotland (s. 159 (3), *post*, p. 199), and the dispensary doctor in Ireland (s. 160 (6), *post*, p. 202).

(b) **Penalty.**—See s. 137, *post*, p. 176

(c) **Young Person.**—See the definitions of “child” and “young person” in s. 156, *post*, pp. 196, 197.

64. *Regulations as to grant of certificate of fitness.*—With respect to a certificate of fitness for employment for the purposes of this Act, the following provisions shall have effect :

- (1) The certificate shall be granted by the certifying surgeon (a) for the district.
- (2) The certificate must not be granted except upon personal examination (b) of the person named therein.
- (3) A certifying surgeon shall not examine a young person or child for the purpose of the certificate or sign the certificate elsewhere than at the factory where the young person or child is or is about to be employed, unless the number of young persons and children employed in that factory is less than five, or unless for some special reason allowed in writing by an inspector.
- (4) The certificate must be to the effect that the certifying surgeon is satisfied, by the production of a certificate of birth (c) or other sufficient evidence (d), that the person named in the certificate is of the age therein specified, and has been personally examined by him and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.
- (5) The certificate may be qualified by conditions as to the work on which a child or young person is fit to be employed and, if it is so qualified,

the occupier shall not employ the young person or child otherwise than in accordance with the conditions.

- (6) A certifying surgeon shall have the same powers as an inspector (*e*) for the purpose of examining any process in which a child or young person presented to him for the grant of a certificate is proposed to be employed.
- (7) All factories in the occupation of the same occupier and in the district of the same certifying surgeon, or any of them, may be named in the certificate, if the surgeon is of opinion that he can truly give the certificate for employment therein.
- (8) The certificate of birth (*c*) (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the young person or child (whether that copy is obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876 (*f*), to the effect that it appears from the returns transmitted to that authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.
- (9) Where the certificate is to the effect that the certifying surgeon has been satisfied of the age of a young person or child by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate if he has reasonable cause to believe that the real age of the young person or child named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.
- (10) Where a certifying surgeon refuses to grant a certificate for any person examined by him, he shall, when required, give in writing and sign the reasons for his refusal.

^o (*a*) **Certifying Surgeon.**—For appointment of certifying surgeons, their duties, etc., see ss. 122—124, *post*, pp. 161, 162.

(b) **Personal Examination.**—Provision for special inquiries and re-examination of children and young persons by certifying surgeons is made by s. 122 (5), *post*, p. 161.

(c) **Certificate of Birth.**—A certificate of birth (on payment of a fee of sixpence) may be procured for children or young persons under the age of sixteen years by the provisions of s. 134, *post*, p. 170.

The certifying surgeon had originally to grant a certificate of age. This duty is no longer cast upon him. The age of the person must be proved by a certificate of birth, or in the case of the non-registration of birth, by some equivalent proof. The certificate of birth being produced, the certifying surgeon has then to certify that the person presented to him is fit for employment in the words used in this section. In those cases in which a certificate of birth has not been produced, if an inspector considers a child or young person for whom the certifying surgeon has granted a certificate of fitness to be under the age alleged, he may annul such certificate. See sub-s. (9), *infra*. As to what shall be considered a certificate of birth, see also sub-s. (8).

(d) **Other Sufficient Evidence.**—As respects children, a statutory declaration before a magistrate is considered to be "sufficient evidence."

(e) **Powers of Certifying Surgeon.**—See s. 119, *post*, p. 158.

(f) **Application to Ireland.**—See s. 160 (3), *post*, p. 202.

65. *Power to obtain certificates of fitness for employment in workshops.*—In order to enable occupiers of workshops to better secure the observance of this Act and prevent the employment in their workshops of young persons under the age of sixteen years and children who are unfitted for that employment, an occupier of a workshop may obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of young persons under the age of sixteen years and children for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the young persons and children, and grant certificates accordingly.

66. *Power to require certificates of fitness for employment in certain workshops.*—(1) Where it appears to the Secretary of State that, by reason of special circumstances affecting any class of workshops, it is expedient for protecting the health of the young persons under the age of sixteen years and of the children employed therein to extend thereto the prohibition in this section mentioned, he may, by Special Order (a), extend to that class of

workshops the prohibition in this Act of the employment of young persons under the age of sixteen years and children without a certificate of the fitness of the young person or child for employment, and thereupon the provisions of this Act with respect to certificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories.

(2) If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the young persons under the age of sixteen years and the children employed in any class of workshops to which it has been extended under this section, he may, by Special Order, rescind the order of extension, without prejudice to the subsequent making of another order.

(a) **Special Order.**—By Order dated August 31st, 1906, the prohibition in this section has been extended to the classes of workshops in which the following processes are carried on :

File-cutting ; Carriage building ; Rope and twine making ; Brick and tile-making ; Making of iron and steel cables, chains, anchors, grapnels and cart gear ; Making of nails, screws, and rivets ; Baking bread, biscuits, or confectionery ; Fruit preserving ; Making, altering, ornamenting, finishing, or repairing of wearing apparel by the aid of treadle sewing machines.

67. *Power of inspector to require surgical certificate of capacity for work.*]—Where an inspector is of opinion that a young person under the age of sixteen years or a child is, by disease or bodily infirmity, incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop, requiring that the employment of that young person or child be discontinued from the period named therein, not being less than one nor more than seven days after the service of the notice, and the occupier shall not continue, after the period named in the notice, to employ that young person or child (notwithstanding that a certificate of fitness has been previously obtained for the young person or child), unless the certifying surgeon for the district has, after the service of the notice, personally examined the young person or child and has certified that the young person or child is not so incapacitated as aforesaid.

Penalty.—See s. 137, *post*, p. 176.

PART III.

EDUCATION OF CHILDREN.

68. *Attendance at school of children employed in factory or workshop.*—(1) The parent of a child (*a*) employed in a factory or workshop shall cause that child to attend some recognised efficient school (*b*) (which school may be selected by the parent), as follows :

- (a) The child, when employed in a morning or afternoon set (*c*), must in every week (*d*), during any part of which he is so employed, be caused to attend on each work day for at least one attendance ; and
- (b) The child, when employed on the alternate day system (*e*), must, on each work day preceding each day of employment, be caused to attend for at least two attendances ;
- (c) An attendance for the purposes of this section shall be an attendance as defined for the time being by the Secretary of State (*f*), with the consent of the Board of Education, and be between the hours of eight in the morning and six in the evening :

Provided as follows :

- (i) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act (*g*) in the factory or workshop in which the child is employed :
- (ii) The non-attendance of a child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause (*h*), and when the school is closed during the ordinary holidays or for any other temporary cause :
- (iii) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child a recognised efficient school (*b*) which the child can attend, attendance at a school temporarily approved in writing by an inspector, although not a recognised efficient school, shall for the purposes of

this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Board of Education every case of the approval of a school by him under this section.

(2) A child who has not in any week (*d*) attended school for all the attendances required by this section must not be employed in the following week until he has attended school for the deficient number of attendances (*i*).

(3) The Board of Education shall, by the publication of lists or of notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

Before a child is taken into employment in a factory or workshop the occupier must take care to ascertain that the educational requirements of the education authority for the district in which the child lives have been complied with. By s. 4 of the Elementary Education Act, 1880 (Appendix, *post*, p. 375), as amended by s. 6 of the Elementary Education Act, 1900, every person who takes into his employment a child over ten and under fourteen years old before that child has obtained a certificate of having reached the standard of education fixed by a byelaw in force in the district, is liable to a penalty of 40s., and the duty of enforcing this provision is imposed upon the factory inspector by s. 7 of the Elementary Education Act, 1876 (Appendix, *post*, p. 375). The employer must, therefore, take care that the requirements of the Elementary Education Acts, as well as of this Act, are complied with.

In Scotland, by the Education (Scotland) Act, 1901, s. 2 (*post*, p. 378), no child under fourteen may be employed except in any casual employment, unless he has obtained a certificate of exemption from the obligation to attend school. A child over twelve may, however, be employed casually without such certificate up to 9 p.m. in summer, and 7 p.m. in winter.

It is not clear how far a local authority is entitled, by byelaws made under the Elementary Education Acts, to prevent the employment of a child who has complied with the requirements of this part of the Factory Act. In *Stevenson v. Craig*, [1906] 2 K. B. 298 ; 70 J. P. 340 ; 75 L. J. K. B. 565 ; 95 L. T. 111, the byelaws contained no provision for partial exemption of children of twelve who had received certificates of previous due attendance but had not reached the standard. Lord ALVERSTONE, C.J., and DARLING, J., held that such a child might be employed as a half-

timer, since s. 68 by making provision for the compulsory education of half-timers necessarily sanctions partial exemption. This case should be compared with *Stevenson v. Goldstraw*, mentioned in note (a) to s. 71, *post*, p. 91.

(a) **"Parent" and "Child."**—These words are defined in s. 156 (1), *post*, pp. 196, 197. In case of default the parent is liable to a penalty under s. 138 (2), *post*, p. 178.

In *London School Board v. Jackson* (1881), 7 Q. B. D. 502 ; 45 J. P. 750 ; 50 L. J. M. C. 134 ; 30 W. R. 47, it was held that the parent is liable under the corresponding provisions in the Elementary Education Acts, even if some other person has the actual custody and control of the child, as where the child permanently lives with an aunt.

(b) **"Recognised Efficient School"** is defined in s. 72 (1), *post*, p. 93. In the case of Scotland and Ireland, see ss. 159 (1), and 160 (1), *post*, pp. 199, 202. By proviso (iii) the inspector may temporarily approve a school in localities where there is no certified efficient school, attendance at which will be legal.

(c) **Morning or Afternoon Set.**—See ss. 25 and 27, *ante*, pp. 42, 46.

(d) **Week.**—For definition, see s. 156, *post*, p. 197.

(e) **Alternate Day System.**—See ss. 25 and 27, *ante*, pp. 42, 46.

(f) **Definition of "Attendance."**—In England and Scotland the attendance required is defined to be "the attendance of a child at a morning or afternoon meeting of a school during not less than two hours of instruction in secular subjects" (Orders dated December 24th, 1878). In Ireland it is defined to be "an attendance at instruction in secular subjects for a period of not less than two hours at some recognised efficient school" (Order of the Secretary of State, dated February 19th, 1903, approved by Order of the Lord Lieutenant and Privy Council in Ireland, dated March 10th, 1903).

(g) **Holidays.**—See s. 35, *ante*, p. 52.

(h) **"Other Unavoidable Cause."**—In *London School Board v. Duggan* (1884), 13 Q. B. D. 176 ; 48 J. P. 742 ; 53 L. J. M. C. 104 ; 32 W. R. 768, a parent was prosecuted for not causing his child to attend school in breach of a byelaw made under s. 74 of the Elementary Education Act, 1870. For the defence it was proved that the non-attendance was caused by the child, a girl of twelve, with fair elementary instruction, having been in employment and earning wages without which the parents, from no fault of their own, would have been unable to support their family :—*Held*, that this was a "reasonable excuse" within the meaning of the byelaw. But it is doubtful whether it would be held to be an unavoidable cause. For another instance of a "reasonable excuse," see *Belper School Attendance Committee v. Bailey* (1882), 9 Q. B. D. 259 ; 46 J. P. 438 ; 51 L. J. M. C. 91.

(i) *I.e.*, if a child, having missed an attendance in one week, makes up for it by an extra attendance in the week following, it may legally be employed in such week after the lost time has been made up.

69. *Obtaining of school attendance certificate by occupier.*—(1) The occupier of a factory or workshop in which a child (*a*) is employed shall on Monday in every week (after the first week (*a*) in which the child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by a child a certificate (according to the prescribed (*b*) form and directions) respecting the attendance of the child at school in accordance with this Act.

(2) If a child is employed without such certificate being obtained as is required by this section, the child shall be deemed to be employed contrary to the provisions of this Act (*c*).

(3) The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or workshop, and shall produce the same to an inspector when required during that period.

(*a*) **Child—Week.**—For definitions of “child” and “week,” see s. 156, *post*, pp. 196, 197.

(*b*) **Prescribed.**—The certificate of school attendance is to be in such form as is prescribed by the Secretary of State. See s. 156, *post*, p. 197.

(*c*) **Penalty.**—See s. 137, *post*, p. 176.

70. *Payment by occupier of sum for schooling.*—The persons who manage a recognised efficient school (*a*) attended by a child employed in a factory or workshop or some person authorised by them may (if fees for children may be charged in that school) apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, that weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid

by him from the wages payable for the services of the child.

In *Dundee School Board v. Gilroy* (1899), 1 Fraser, 909, a school board which voluntarily provided books for the scholars, attempted to recover the cost from the employers of such of the children as were employed in factories or workshops. The court dismissed the action, stating that the intention of the legislature was that the employer was only to be liable for such payments as the child or its parents could legally be compelled to make.

(a) **Recognised Efficient School.**—For definition, see s. 72 (1), *post*, p. 93.

71. *Employment as young person of child of thirteen on obtaining educational certificate.*—(1) When a child of the age of thirteen years has obtained from a person authorised by the Board of Education a certificate of having attained such standard of proficiency in reading, writing and arithmetic, or such standard of previous due attendance (a) at a certified efficient school (b) as is mentioned in this section, that child shall be deemed to be a young person for the purposes of this Act.

(2) The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by the Secretary of State (c), with the consent of the Board of Education, and the standards so fixed shall be published in the London Gazette and shall not have effect until the expiration of at least six months after such publication.

(3) Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

(a) **Certificate of Previous Due Attendance.**—In *Stevenson v. Goldstraw*, [1906] 2 K. B. 298 ; 70 J. P. 340 ; 75 L. J. K. B. 565 ; 95 L. T. 111, the byelaws of a local authority provided for the total exemption of children between twelve and fourteen who had reached the sixth standard, but not for those who had merely received a certificate of previous due attendance. Lord ALVERSTONE, C.J., and DARLING, J., held that a child of thirteen who had received the certificate of previous due attendance, but had not reached the sixth standard, could not be employed in a factory on full time. This case should be compared with *Stevenson v. Craig*, mentioned in the preliminary note to s. 68, *ante*, p. 88.

(b) **Certified Efficient School.**—For definition, see s. 72, *infra*.

(c) **Standards of Proficiency and Attendance.**—This section does not apply to Scotland. See s. 159 (7). For England and Wales the standards fixed by order of the Secretary of State for the Home Department, with the consent of the Education Department, and dated December 19th, 1900, are as follow :

- (a) The standard of proficiency for the purpose of a certificate of proficiency to be given to any child shall be the fifth standard of reading, writing, and arithmetic, as fixed by the code in force for the time being, or any higher standard which may be attained by the child.

Certificates of proficiency may be granted in the manner prescribed by ss. 4—8 of the Regulations of the Board of Education, dated April 23rd, 1900 (*now superseded by Regulations dated March 21st, 1901*).

- (b) The standard of previous due attendance at a certified efficient school for the purpose of a certificate of previous due attendance shall, in the case of any child, be 350 attendances after such child has attained five years of age in not more than two schools during each year for five years, whether consecutive or not.

Certificates of previous due attendance at school may be granted in the manner prescribed by ss. 9—11 of the Regulations of the Board of Education, dated April 23rd, 1900 (*now superseded by Regulations dated March 21st, 1901*).

For Ireland standards of proficiency and attendance are fixed by an Order of the Secretary of State, dated February 19th, 1903, which provides as follows :

The standard of proficiency, for the purpose of s. 71 of the said Act, shall be such proficiency in reading, writing, and arithmetic as is prescribed for the fifth class or standard in the programme of instruction of the Commissioners of National Education in Ireland.

Certificates of proficiency may be granted in the same manner as is prescribed for certificates under the Irish Education Act of 1892 by the Second Schedule to that Act (55 & 56 Vict. c. 42).

72. *Definitions of “certified efficient school,” and “recognised efficient school.”*—(1) In this Act—

The expression “certified efficient school” (a) means a public elementary school within the meaning of the Elementary Education Acts, 1870 to 1900, and any workhouse school in England certified to be efficient by the Local Government Board, and any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of his Majesty’s inspectors of schools and requires the like attendance from its scholars as is required in

a public elementary school and keeps such registers of those attendances as are for the time being required by the Board of Education and is certified by the Board to be an efficient school ; and

The expression “ recognised efficient school ” (*b*) means a certified efficient school, and any school which the Board of Education have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district and which is recognised for the time being by an inspector under this Act as giving efficient elementary education.

(2) An inspector shall immediately report to the Board of Education every school recognised by him as giving efficient elementary education.

(*a*) **Certified Efficient School.**—For definition in Scotland and Ireland, see ss. 159 (1), 160 (1), *post*, pp. 199, 202.

(*b*) **Recognised Efficient School.**—For definition in Ireland, see s. 160 (2), *post*, p. 202.

PART IV.

DANGEROUS AND UNHEALTHY INDUSTRIES.

(i) SPECIAL PROVISIONS.

73. *Notification of certain diseases contracted in factory or workshop.*]—(1) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning or anthrax contracted in any factory or workshop shall (unless the notice required by this subsection has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering and shall be entitled, in respect of every notice sent in pursuance of this section, to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Secretary of State in the execution of this Act.

(2) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same,

he shall be liable to a fine (*a*) not exceeding forty shillings.

(3) Written notice of every case of lead, phosphorus or arsenical or mercurial poisoning or anthrax occurring in a factory or workshop shall forthwith be sent to the inspector and to the certifying surgeon for the district; and the provisions of this Act with respect to accidents (*b*) shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(4) The Secretary of State may, by Special Order (*c*), apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

(*a*) **Fine.**—Recoverable summarily (s. 144, *post*, p. 180).

(*b*) **Accidents.**—See ss. 4, 5 of the Notice of Accidents Act, 1906, *post*, pp. 239, 242.

(*c*) **Special Order.**—No Order is at present (January, 1909) in force under this section.

74. *Provision as to ventilation by fan in certain factories and workshops.*—If, in a factory or workshop where grinding, glazing or polishing on a wheel or any process is carried on by which dust or any gas, vapour or other impurity is generated and inhaled by the workers to an injurious extent (*a*), it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct that a fan or other mechanical means of a proper construction for preventing such inhalation be provided within a reasonable time; and, if the same is not provided, maintained and used, the factory or workshop shall be deemed not to be kept in conformity with this Act (*b*).

This section does not apply to men's workshops. See s. 157, *post*, p. 198).

(*a*) **Injurious Extent.**—It was held in *Hoare v. Ritchie*, [1901] 1 Q. B. 434; 65 J. P. 261; 70 L. J. Q. B. 279; 84 L. T. 54; 49 W. R. 351, that it is only necessary to show that dust, etc. exists in such quantity as must necessarily be injurious to health in the long run. No evidence of actual injury to health need be adduced.

(*b*) **Penalty.**—See s. 135, *post*, p. 172. Section 87 (1) (iv), *post*, p. 105, provides that the owner shall be liable in a tenement

factory instead of the occupier for the observance of the provisions of this section so far as the section requires the supply of pipes or other contrivances for working the fan or other means for that purpose.

75. *Lavatories and meals in certain dangerous trades.*—

(1) In every factory or workshop where lead, arsenic or any other poisonous substance is used, suitable washing conveniences must be provided for the use of the persons employed in any department where such substances are used.

(2) In any factory or workshop where lead, arsenic or other poisonous substance is so used as to give rise to dust or fumes, a person shall not be allowed to take a meal or to remain during the times allowed to him for meals in any room in which any such substance is used, and suitable provision shall be made for enabling the persons employed in such rooms to take their meals elsewhere in the factory or workshop.

(3) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (a).

This section does not apply to men's workshops. See s. 157, *post*, p. 198.

It may be observed that the sanitary provisions of this Part of the Act relating to dangerous trades are enforceable by the inspector in workshops as well as in factories.

(a) **Penalty.**—See s. 135, *post*, p. 172.

76. *Restrictions as to employment in wet-spinning.*—

(1) A woman, young person or child must not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means are employed and continued for protecting the workers from being wetted and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

(2) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (a).

(a) **Penalty.**—See s. 135, *post*, p. 172.

77. *Prohibition of employment of young persons and children in certain factories and workshops.*—(1) In

the part of a factory or workshop in which there is carried on—

(a) the process of silvering of mirrors by the mercurial process ; or

(b) the process of making white lead (a),
a young person or child must not be employed.

(2) In the part of a factory in which the process of melting or annealing glass is carried on, a female young person or a child must not be employed.

(3) In a factory or workshop in which there is carried on—

(a) the making or finishing of bricks (b) or tiles not being ornamental tiles ; or

(b) the making or finishing of salt,
a girl under the age of sixteen years must not be employed. ✓

(4) In the part of a factory or workshop in which there is carried on—

(a) any dry grinding in the metal trade ; or

(b) the dipping of lucifer matches (a),
a child must not be employed.

(5) Notice of a prohibition contained in this section must be affixed in the factory or workshop to which it applies.

(a) Special rules are in force in these trades, and are set out in the Appendix, *post*, pp. 299, 309. See also the notes to s. 79, *post*, p. 98.

(b) **Finishing Bricks.**—In a glazed brick factory the bricks were first baked in a kiln, then carried by hand to a dipping shed, where they were dipped in glaze, and then carried by hand to the oven. Girls under sixteen were employed in carrying the bricks, and also, occasionally, in dipping them :—*Held*, that the whole process was one of finishing bricks and that the girls were illegally employed (*Squire v. Stanley* (1901), 65 J. P. 467 ; 84 L. T. 535).

78. *Prohibition of taking meals in certain parts of factories and workshops.*—(1) A woman, young person or child must not be allowed to take a meal or to remain during the times allowed for meals in the following factories or workshops or parts of factories or workshops ; that is to say,—

(a) in the case of glass works, in any part in which the materials are mixed ; and

(b) in the case of glass works where flint glass is made, in any part in which the work of grinding, cutting or polishing is carried on ; and

(c) in the case of lucifer-match works (*a*), in any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on ; and

(d) in the case of earthenware works (*a*), in any part known or used as dippers house, dippers drying room or china scouring room.

(2) If a woman, young person or child is allowed to take a meal or to remain during the times allowed for meals in a factory or workshop or part thereof in contravention of this section, the woman, young person or child shall be deemed to be employed contrary to the provisions of this Act (*b*).

(3) Notice of the prohibition in this section shall be affixed in every factory or workshop to which it applies.

(4) Where it appears to the Secretary of State that, by reason of the nature of the process in any class of factories or workshops or parts thereof not named in this section, the taking of meals therein is specially injurious to health, he may, if he thinks fit, by Special Order (*c*), extend the prohibition in this section to the class of factories or workshops or parts thereof.

(5) If the prohibition in this section is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of women, young persons and children in any class of factories or workshops or parts thereof to which it has been so extended, he may, by Special Order, rescind the order of extension, without prejudice to the subsequent making of another order.

(*a*) Special rules (or regulations) are in force in these trades and also in the trades marked with the letter (*a*) in the Order set out in note (*c*), *infra*. They are set out at pp. 245 *et seq.*, *post*. See also the notes to s. 79, *infra*.

(*b*) **Penalty.**—See s. 137, *post*, p. 176.

(*c*) **Special Order.**—This prohibition has been extended to the following by Order, dated March 23rd, 1898 :

The parts of textile factories in which the process of gassing is carried on.

The parts of print-works, bleaching-works, and dyeing-works in which the process of singeing is carried on.

The parts of factories or workshops in which any of the following processes are carried on :

Sorting or dusting wool or hair (a).

Sorting, dusting, or grinding rags.

Fur-pulling.

Grinding, glazing, or polishing on a wheel.

Brass-casting (a), type-founding.

Dipping metal in aquafortis or other acid solution.

Metal-bronzing.

Majolica painting on earthenware (a).

Cleaning and repairing catgut.

Cutting, turning, or polishing bone, ivory, pearl-shell, snail-shell.

Manufacturing chemicals (a) or artificial manures.

Manufacturing white lead (a).

Lithographic printing.

Playing-card making.

Fancy box making.

Paper staining.

Almanac making.

Artificial flower making.

Paper colouring and enamelling.

Colour making (a).

} if and when dry powder or
dust is used.

(ii) REGULATIONS FOR DANGEROUS TRADES.

79. *Power to make regulations for safety of persons employed in dangerous trades.*—Where the Secretary of State is satisfied that any manufacture, machinery, plant, process or description of manual labour, used in factories or workshops, is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children or any other class of persons, he may certify that manufacture, machinery, plant, process or description of manual labour to be dangerous (a) ; and thereupon the Secretary of State may, subject to the provisions of this Act, make such regulations (b) as appear to him to be reasonably practicable and to meet the necessity of the case.

This section, and ss. 80—85 inclusive, correspond to ss. 8, 9 and 10 of the Act of 1891, *post*, p. 223, as amended by ss. 12, 24 (3), and 28 of the Act of 1895, *post*, p. 228 ; but the procedure has been considerably altered. The principal difference is that “special rules” under the Act of 1891 had to be made for each separate factory or workshop, whereas “regulations” under the Act of 1901 apply to every factory or workshop of the class specified. It

should be noted that the above-mentioned sections of the older Acts are preserved by s. 161 and Sched. 7, Part II., of this Act, *post*, pp. 204, 222, until a date to be fixed by Order of the Secretary of State, the object being to preserve the old enactments and the special rules made thereunder until fresh regulations are made under this Act. For the nature of the alterations in the procedure, see the notes to the succeeding sections. This part of the Act applies to docks, etc., buildings and railways (ss. 104—106, *post*, pp. 122—132).

It has been decided in Scotland that regulations made under this section enure only for the benefit of the persons actually employed in the dangerous trade, and not for that of strangers. In *O'Brien v. Arbib* (1907), Sess. Cas. 975, the regulations required that when a ship is lying at a wharf or quay there shall be provided means of access by a proper gangway or ladder. For want of a proper gangway the plaintiff, who was visiting one of a ship's crew, fell into a dock and was injured. The Court of Session held that the regulation was intended solely for the use and benefit of persons employed in loading and unloading, etc., and could not affect the liability of shipowners towards persons not so employed, even if lawfully there.

(a) Various processes have been certified to be dangerous under s. 8 of the Act of 1891 and s. 79 of this Act. A list of these with prints of the certificates will be found in the volume of Statutory Orders relating to factories and workshops issued by the Home Office.

(b) The regulations and special rules in force for processes certified to be dangerous will be found fully set out *post*, pp. 245—320.

80. Procedure for making regulations.] — (1) Before the Secretary of State makes any regulations under this Act, he shall publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations and of the place where copies of the draft regulations may be obtained and of the time (which shall not be less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Secretary of State.

(2) Every objection must be in writing and state—

- (a) the draft regulations or portions of draft regulations objected to ;
- (b) the specific grounds of objection ; and
- (c) the omissions, additions or modifications asked for.

(3) The Secretary of State shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations, and shall then cause the amended draft to be dealt with in like manner as an original draft.

(4) Where the Secretary of State does not amend or withdraw any draft regulations to which any objection has been made, then (unless the objection either is withdrawn or appears to him to be frivolous) he shall, before making the regulations, direct an inquiry to be held in the manner hereinafter provided.

This and the next section are new provisions. The procedure is almost entirely different from that under the old Acts, which is contained in s. 8 and Sched. I. of the Act of 1891 (see pp. 223, 225, *post*), the main difference being that in case of objection to the proposed regulations, a public inquiry is substituted for a private arbitration between the Secretary of State on the one hand, and any individual occupier of a factory or workshop on the other.

81. *Inquiries.*] — (1) The Secretary of State may appoint(*a*) a competent person to hold an inquiry with regard to any draft regulations, and to report to him thereon.

(2) The inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry, is affected by the draft regulations may appear at the inquiry either in person or by counsel, solicitor or agent.

(3) The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.

(4) Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Secretary of State (*b*).

(5) The fee to be paid to the person holding the inquiry shall be such as the Secretary of State may direct and shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act.

This is a new provision. See the notes to s. 80, *supra*.

(*a*) **May appoint.**—He must do so, except in the cases referred to in sub-s. (4) of s. 80.

(b) **Rules.**—By Order dated February 5th, 1903, the Secretary of State has made the following rules for the conduct of inquiries with regard to draft regulations for dangerous trades :

- (1) The inquiry shall be opened at such time and place as may be fixed by the person appointed by the Secretary of State to hold the inquiry (in these rules referred to as "the commissioner"), and not less than three weeks' notice of the time and place so fixed shall be sent by post by him or on his behalf to all persons who have sent to the Secretary of State any objection to the draft regulations: Provided that the non-receipt of such notice by any such person shall not invalidate the proceedings or render necessary an adjournment of the inquiry.
- (2) The commissioner may adjourn the inquiry from time to time as he sees fit, and may hold adjourned sittings at any place which he thinks necessary for the convenience of persons who objected to the draft regulations.
- (3) The commissioner may give such directions as he thinks necessary as to the order in which the draft regulations and the objections thereto shall be considered, and as to the order in which the parties appearing at the inquiry shall be heard.
- (4) If any person who has not made objections to the draft regulations in accordance with s. 80 claims to be heard at the inquiry, the commissioner may require him to state his objection in writing in the manner provided by s. 80 (2).
- (5) If the objections to any draft regulation made by more than one person appearing at the inquiry appear to the commissioner to be the same in substance, he may select any person whom he considers representative of the largest number of persons affected by the draft regulation to state such objections, and to call evidence (if required) in support of such objections. Any other person making the same objections may be heard subsequently by consent of the commissioner.
- (6) The commissioner may stop any statement which appears to him to be irrelevant to the draft regulation or objection under consideration, or to involve unnecessary repetition of arguments already fully stated.
- (7) Subject to the provisions of s. 81, and to the foregoing rules, all the proceedings shall be conducted in such manner as the commissioner may direct.

82. *Application of regulations.*—(1) The regulations made under the foregoing provisions of this Act may apply to all the factories and workshops in which the manufacture, machinery, plant, process or description of manual labour, certified to be dangerous (a), is used

(whether existing at the time when the regulations are made or afterwards established) or to any specified class of such factories or workshops. They may provide for the exemption of any specified class of factories or workshops either absolutely or subject to conditions.

(2) The regulations may apply to tenement factories and tenement workshops (*b*) and in such case may impose duties on occupiers who do not employ any person and on owners.

(3) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of any regulation made under this Act.

Sub-sections (1), (2) of this section are new. The corresponding sections of the older Acts are s. 24 (3), and s. 28 of the Act of 1895. They will be found on p. 228, *post*. Sub-section (3) is a re-enactment of s. 8 (7) of the Act of 1891, *post*, p. 224.

(a) **Certificate of Danger.**—See s. 79, *supra*, p. 98.

(b) **Tenement Factories and Workshops.**—For definition, see s. 149, *post*, pp. 184, 185, and for provisions, s. 87, *post*, p. 104.

83. *Provisions which may be made by regulations.*—Regulations made under the foregoing provisions of this Act may, among other things,—

- (a) prohibit the employment of, or modify or limit the period of employment of, all persons or any class of persons in any manufacture, machinery, plant, process or description of manual labour certified to be dangerous (*a*) ; and
- (b) prohibit, limit or control the use of any material or process ; and
- (c) modify or extend any special regulations for any class of factories or workshops contained in this Act.

Provision (a) is substantially the same as the first part of s. 28 (1) of the Act of 1895. See p. 228, *post*. Provisions (b), (c) are new.

(a) **Certificate of Danger.**—See s. 79, *supra*, p. 98.

84. *Regulations to be laid before Parliament.*—Regulations made under the foregoing provisions of this Act shall be laid as soon as possible before both Houses of Parliament and, if either House, within the next forty

days after the regulations have been laid before that House, resolve that all or any of the regulations ought to be annulled, the regulations shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder or to the making of any new regulations. If one or more of a set of regulations are annulled, the Secretary of State may, if he thinks fit, withdraw the whole set.

This provision resembles the latter part of s. 28 (1) of the Act of 1895 (*post*, p. 228), but is much more elaborate.

85. Breach of regulations.]—(1) If any occupier, owner or manager, who is bound to observe any regulation under this Act, acts in contravention of, or fails to comply with, the regulation, he shall be liable for each offence to a fine (*a*) not exceeding ten pounds and, in the case of a continuing offence, to a fine not exceeding two pounds for every day during which the offence continues after conviction therefor.

(2) If any person other than an occupier, owner or manager, who is bound to observe any regulation under this Act, acts in contravention of, or fails to comply with, the regulation, he shall be liable for each offence to a fine (*a*) not exceeding two pounds ; and the occupier of the factory or workshop shall also be liable to a fine (*a*) not exceeding ten pounds, unless he proves that he has taken all reasonable means (*b*) by publishing, and to the best of his power enforcing, the regulations to prevent the contravention or non-compliance.

This section re-enacts s. 9 (1) of the Act of 1891 (*post*, p. 224), but the fine for a continuing offence is new.

(*a*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

(*b*) **Reasonable Means.**—In *Baker v. Carter* (1878), 3 Ex. D. 132, a case decided under the last part of s. 51 of the Coal Mines Regulation Act, 1872 (practically identical with the present section), the owner of a coal mine, who took no part in the management, appointed a certificated manager to manage the business. The manager neglected to enforce the regulations. The justices held that the owner had taken all reasonable means to enforce them, and the Exchequer Division held that the justices were justified in so holding.

86. Publication of regulations.]—(1) Notice of any regulations having been made under the foregoing provisions of this Act and of the place where copies of them

can be purchased shall be published in the London, Edinburgh and Dublin Gazettes.

(2) Printed copies of all regulations for the time being in force under this Act in any factory or workshop shall be kept posted up in legible characters in conspicuous places in the factory or workshop where they may be conveniently read by the persons employed. In a factory or workshop in Wales or Monmouthshire the regulations shall be posted up in the Welsh language also.

(3) A printed copy of all such regulations shall be given by the occupier to any person affected thereby on his or her application.

(4) If the occupier of any factory or workshop fails to comply with any provision of this section as to posting up or giving copies, he shall be liable to a fine *(a)* not exceeding ten pounds.

(5) Every person who pulls down, injures or defaces any regulations posted up in pursuance of this Act, or any notice posted up in pursuance of the regulations, shall be liable to a fine *(a)* not exceeding five pounds.

(6) Regulations for the time being in force under this Act shall be judicially noticed.

Sub-sections (1) and (6) of this section are new. Sub-sections (2), (3), (4) and (5) re-enact s. 11 of the Act of 1895.

(a) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

PART V.

SPECIAL MODIFICATIONS AND EXTENSIONS.

(i) TENEMENT FACTORIES.

87. *Duties of owner of tenement factory.*—(1) The owner *(a)* (whether or not he is one of the occupiers) of a tenement factory *(b)* shall, instead of the occupier, be liable for the observance and punishable for non-observance of the following provisions of this Act, namely, the provisions with respect to—

- (i) the cleanliness, freedom from effluvia, overcrowding and ventilation of factories, contained in section one of this Act *(c)*, including, so far as they relate to any engine-house, passage or staircase or to any room which is let to more

than one tenant, the provisions with respect to limewashing and washing of the interior of a factory (*d*) ;

- (ii) the fencing of machinery and penal compensation for neglect to fence machinery (*e*) in a factory, except so far as relates to such parts of the machinery as are supplied by the occupier ;
- (iii) the notices (*f*) to be affixed in a factory with respect to the period of employment, times for meals and system of employment of children ;
- (iv) the prevention of the inhalation of dust, gas, vapour or other impurity, so far as that provision requires the supply of pipes or other contrivances necessary for working the fan (*g*) or other means for that purpose ; and
- (v) the affixing of an abstract and notices (*h*) in a factory.

Provided that any occupier may affix in his own tenement the notice with respect to the period of employment, times for meals and system of employment of children, and thereupon that notice shall, with respect to persons employed by that occupier, have effect in substitution for the corresponding notice affixed by the owner.

(2) The provisions of this Act with respect to the power to make orders in the case of dangerous premises (*i*) shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

(3) In the case of any tenement factory or class of tenement factories used wholly or partly for the weaving of cotton cloth, the owner shall, if the Secretary of State by order so directs (*k*), be substituted for the occupier for the purpose of the requirements of section seven (*l*) and section ninety-four of this Act (*m*) or of any order of the Secretary of State with respect to ventilation (*n*).

(4) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of this Act, any summons, notice or proceeding, which for the purpose of any of those provisions is by this Act required or authorised to be served on or taken in relation to the occupier, is hereby required or authorised (as the case may be) to be served on or taken in relation to the owner.

The effect of the section is to place tenement factories for certain purposes in a class by themselves, or, in other words, to

create a distinction in law as well as in fact between tenement factories and others. Originally as regards the occupier of a factory, his duties and liabilities were the same whether his factory stood by itself or formed one of several factories grouped together within one building or within the same close or curtilage for the purpose of sharing in a common supply of mechanical power. Now, if his factory is one of the latter class, he is exempt from certain liabilities imposed upon occupiers by the various provisions above enumerated which are transferred to the owner of the whole building. Additional liabilities are imposed upon owners of tenement factories by the next section.

Note that the section does not apply to tenement workshops.

- (a) **Owner.**—For definition, see s. 156, *post*, p. 196.
- (b) **Tenement Factory.**—For definition, see s. 149, *post*, p. 184.
- (c) **Cleanliness, etc.**—*Ante*, p. 8.
- (d) **Limewashing**—*i.e.*, sub-s. (3) of s. 1, *ante*, p. 8.
- (e) **Fencing of Machinery, etc.**—Sections 10, *ante*, p. 22, and 136, *post*, p. 173.
- (f) **Notices.**—Sections 32 and 60, *ante*, pp. 50, 79.
- (g) **Ventilation by Fan.**—Section 74, *ante*, p. 94.
- (h) **Abstract, etc.**—Section 128, *post*, p. 164.
- (i) **Dangerous Premises.**—Section 18, *ante*, p. 35.
- (k) **Order.**—No such Order is at present (January, 1909) in force.
- (l) *Ante*, p. 95.
- (m) *Post*, p. 110.
- (n) **Ventilation.**—Section 7, *ante*, p. 18.

88. *Regulations as to grinding of cutlery in tenement factory.*—(1) Where grinding is carried on in a tenement factory (a), the owner (b) of the factory shall be responsible for the observance of the regulations set forth in the Third Schedule to this Act.

(2) In every such tenement factory it shall be the duty of the owner and of the occupier of the factory respectively to see that such part of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3) In every tenement factory where grinding of cutlery is carried on, the owner of the factory shall provide that there shall at all times be instantaneous communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4) A tenement factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (c), but, for the purposes of any proceeding

in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

(5) This section shall not apply to a textile factory (*d*).

(*a*) **Tenement Factory.**—For definition, see s. 149, *post*, p. 184.

(*b*) **Owner.**—For definition, see s. 156, *post*, p. 196.

(*c*) **Penalty.**—See s. 135, *post*, p. 172.

(*d*) **Textile Factory.**—For definition, see s. 149, *post*, p. 183.

89. *Certificate of fitness in tenement factory.*]—A certificate of the fitness (*a*) of any young person or child for employment in a tenement factory shall be valid for his similar employment in any part of the same tenement factory.

(*a*) **Certificate of Fitness.**—See ss. 63, 64, *ante*, pp. 82, 83.

(ii) COTTON CLOTH AND OTHER HUMID FACTORIES.

90. *Temperature and humidity.*]—In every room, shed or workshop or part thereof in which the weaving of cotton cloth is carried on (in this Act referred to as a “cotton cloth factory”), the following provisions shall have effect :

(1) The amount of moisture in the atmosphere must not at any time be in excess of such amount as is represented by the number of grains of moisture per cubic foot of air shown in column I. of the table in the Fourth Schedule to this Act (*a*) opposite to such figure in column II. as represents the temperature existing in the cotton cloth factory at that time :

Provided that the temperature shall not at any time be raised by any artificial means whatsoever (except by gas used for lighting purposes only) above seventy degrees, except in so far as may be necessary in the process of giving humidity to the atmosphere.

(2) The fact that one of the wet-bulb thermometers in the factory gives a higher reading than the figure shown in column III. of the said table opposite to such figure in column II. as represents the temperature existing in the factory shall be

evidence that the amount of moisture in the atmosphere exceeds the limit prescribed by this section.

(a) *Post*, p. 211.

91. *Power to alter table of humidity.*]—The Secretary of State may by order (a) repeal or vary the table in the Fourth Schedule to this Act (b), and substitute any new or amended table therefor :

Provided as follows :

(a) The varied or substituted table shall be laid in a complete form before both Houses of Parliament if Parliament is sitting or, if not, then within three weeks after the beginning of the next ensuing session of Parliament ; and, if the table is disapproved by either House of Parliament within forty days after having been so laid before Parliament, the table shall be void and of no effect :

(b) The table shall not come into operation until it has been laid before Parliament for forty days ; but, after the expiration of those forty days, if the table has not been disapproved of as aforesaid, the Secretary of State shall cause a copy thereof to be published in the London Gazette and to be given to every occupier of a cotton cloth factory who, in pursuance of this Act, has given notice of humidity (c) of the atmosphere being artificially produced in that factory ; and, after the expiration of fourteen days from the first publication thereof in the London Gazette, the varied or substituted table shall be deemed to be the table in the Fourth Schedule to this Act (b).

(a) **Order.**—No Order is at present (January, 1909) in force under this section, but see note (b) to s. 96, *post*, p. 112.

(b) *Post*, p. 211.

(c) **Notice of Humidity.**—See s. 93, *infra*.

92. *Employment of thermometers.*]—(1) In every cotton cloth factory, for the purpose of recording the humidity of the atmosphere and the temperature, there must be provided, maintained and kept in correct working

order two sets of standardised wet and dry bulb thermometers.

(2) The following regulations shall be observed with reference to the employment of such thermometers :

- (a) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as is directed or sanctioned by an inspector, so as to be plainly visible to the workers ;
- (b) The occupier or manager or person for the time being in charge of the factory shall read the thermometers thrice in the day, namely, between seven and eight o'clock in the forenoon, between ten and eleven o'clock in the forenoon and between three and four o'clock in the afternoon, on every day on which any workers are employed in the factory and shall record the readings of each thermometer at each of those times on a form provided for the purpose for each set of thermometers in accordance with the Form of Record and the regulations contained in the Fourth Schedule to this Act (a);
- (c) The form in which the readings of each thermometer are to be recorded must be kept hung up near the thermometers and, after being duly filled up, must be forwarded at the end of each month to the inspector of the district, and a copy must be kept at the factory for reference ;
- (d) There must be kept hanging up in a frame and properly glazed, in a conspicuous position and near to each set of thermometers, a copy of the table set out in the Fourth Schedule to this Act (a);
- (e) Each form shall be *primâ facie* evidence of the humidity of the atmosphere and temperature in the factory in which the form was hung up.

(a) *Post*, p. 211.

93. *Notices and inspections where humidity is artificially produced.*—(1) The occupier of every cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only) shall, at or before the time at

supply of drinking water or other source of pure water or shall be effectively purified to the satisfaction of the inspector before being introduced in the form of steam into the factory, and all ducts for the introduction of humidified air shall be kept clean.

- (2) The pipes used for the introduction of steam into a cotton cloth factory in which the temperature is seventy degrees Fahrenheit or over shall, so far as they are within the shed, be as small both in diameter and length as is reasonably practicable and shall be effectively covered with non-conducting material to the satisfaction of the inspector, so as to minimise the amount of heat thrown off by them into the shed.
- (3) In the case of a cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only), the arrangements for ventilation shall be such that during working hours in no part of the cotton cloth factory shall the proportion of carbonic acid (carbon dioxide) in the air be greater than nine volumes of carbonic acid to every ten thousand volumes of air.
- (4) Unless some other method certified by the inspector to be equally satisfactory is adopted, the outside of the roof of every cotton cloth factory shall be whitewashed every year before the thirty-first day of May, and such whitewash shall be effectively maintained until the thirty-first day of August.
- (5) In every cotton cloth factory erected after the second day of February one thousand eight hundred and ninety-eight, a sufficient and suitable cloak room or cloak rooms shall be provided for the use of all the persons employed therein and shall be ventilated and kept at a suitable temperature.

95. Penalties for non-compliance.]—If in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the foregoing provisions with regard to cotton cloth factories, the inspector shall give

notice in writing to the occupier of the factory of the acts or omissions constituting the contravention or non-compliance and, if those acts or omissions or any of them are continued or not remedied or are repeated within twelve months after the notice has been given, the occupier of the factory shall be liable, for the first offence, to a fine not less than five pounds (*a*) and not exceeding ten pounds and, for every subsequent offence, to a fine not less than ten pounds (*a*) and not exceeding twenty pounds.

(*a*) **Minimum Fine.**—Upon a prosecution under the above section, the general discretion given by s. 4 of the Summary Jurisdiction Act, to reduce fines must be taken to be limited to the extent provided by the above section (*Osborn v. Wood*, [1897] 1 Q. B. 197; 66 L. J. Q. B. 178). These fines are recoverable summarily. See s. 144, *post*, p. 180.

96. *Application of foregoing provisions to other humid factories.*—The foregoing provisions of this Act with respect to cotton cloth factories shall apply to every textile factory in which atmospheric humidity is artificially produced by steaming or other mechanical appliances and in which regulations under Part IV. of this Act with respect to humidity (*a*) are not for the time being in force, but subject to the following qualifications, namely :

- (*a*) The Secretary of State may, by Special Order (*b*), modify the provisions of the Fourth Schedule to this Act with respect to the maximum limits of humidity ;
- (*b*) The reading of the thermometer between seven and eight o'clock in the forenoon shall not be required ; and
- (*c*) Section ninety-four (*c*), respecting regulations for the protection of health in cotton cloth factories, shall not apply ; and
- (*d*) The regulations in section ninety-two (*d*) distinguished as (*b*), (*c*), (*d*) and (*e*), which are required to be observed with reference to the employment of thermometers, shall not apply to cotton spinning mills.

(*a*) **Humidity.**—See ss. 76 and 79, *ante*, pp. 95, 98, and the regulations contained in the special rules, *post*, p. 245.

(*b*) **Special Order.**—By Order of the Secretary of State dated December 24th, 1898, in the case of factories in which the spinning of merino, cashmere, or wool by the “ French ” or “ dry ” process

is carried on, the following table has been substituted for that in the Fourth Schedule :

SCHEDULE OF THE MAXIMUM LIMITS OF HUMIDITY OF ATMOSPHERE TO BE OBSERVED AT GIVEN TEMPERATURES IN FACTORIES IN WHICH THE SPINNING OF MERINO, CASHMERE, OR WOOL BY THE "FRENCH" OR "DRY" PROCESS IS CARRIED ON.

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage of Humidity. (Saturation=100.)
1.9	35	33	80
2.0	36	34	82
2.1	37	35	83
2.2	38	36	83
2.3	39	37	84
2.4	40	38	84
2.5	41	39	84
2.6	42	40	85
2.7	43	41	84
2.8	44	42	84
2.9	45	43	85
3.1	46	44	86
3.2	47	45	86
3.3	48	46	86
3.4	49	47	86
3.5	50	48	86
3.6	51	49	86
3.8	52	50	86
3.9	53	51	86
4.1	54	52	86
4.2	55	53	87
4.4	56	54	87
4.5	57	55	87
4.7	58	56	87
4.9	59	57	88
5.1	60	58	88
5.2	61	59	88
5.4	62	60	88
5.6	63	61	88
5.8	64	62	88
6.0	65	63	88
6.2	66	64	88
6.4	67	65	88
6.6	68	66	88
6.9	69	67	88
7.1	70	68	88
7.3	71	69	88
7.6	72	70	89
7.8	73	71	89
8.1	74	72	89
8.4	75	73	89
8.6	76	74	89

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage of Humidity. (Saturation=100.)
8.9	77	75	89
9.2	78	76	89
9.5	79	77	90
9.8	80	78	90
10.1	81	79	90
10.5	82	80	90
10.8	83	81	90
11.1	84	82	90
11.5	85	83	90
11.8	86	84	90
12.2	87	85	90
12.6	88	86	90
13.0	89	87	90
13.4	90	88	90
13.8	91	89	90
14.2	92	90	90
14.7	93	91	90
15.1	94	92	90
15.5	95	93	91
16.0	96	94	90
16.5	97	95	90
17.0	98	96	90
17.5	99	97	91
18.0	100	98	90

(c) *Ante*, p. 110.

(d) *Ante*, p. 109.

(iii) BAKEHOUSES.

97. *Sanitary regulations for bakehouses (a).*]—(1) It shall not be lawful to let or suffer to be occupied or to occupy any room or place as a bakehouse, unless the following regulations are complied with :

- (a) A water-closet, earth-closet, privy or ashpit must not be within or communicate directly with the bakehouse ;
- (b) Every cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying water to a water-closet ;
- (c) A drain or pipe for carrying off fæcal or sewage matter must not have an opening within the bakehouse.

(2) If any person lets or suffers to be occupied or occupies any room or place as a bakehouse in contravention of this section he shall be liable to a fine (b) not exceeding forty shillings, and to a further fine not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

The primary object of this Part of the Act relating to bakehouses appears to be to protect the consumers of bread baked in, as well as the persons employed in, the bakehouse.

(a) An Order prescribing the proportion of cubic feet of space to be provided in certain bakehouses will be found in note (d) to s. 3, *ante*, p. 15.

(b) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

Application to London.—See note (a) to s. 102, *post*, p. 119.

98. *Penalty for bakehouse being unfit on sanitary grounds.*]—(1) Where a court of summary jurisdiction is satisfied, on the prosecution of an inspector or a district council (a), that any room or place used as a bakehouse is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable to a fine (b) not exceeding, for the first offence, forty shillings and, for any subsequent offence, five pounds.

(2) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, on application, enlarge the time so named; but, if after the expiration of the time as originally named or enlarged by subsequent order the order is not complied with, the occupier shall be liable to a fine (b) not exceeding one pound for every day that the non-compliance continues.

The provisions of this section are very wide; they appear to embrace any sanitary objection that can possibly be taken to the bakehouse, and not to be confined to the particular sanitary defects mentioned in this Act or in the Public Health Acts.

(a) **District Council.**—See note (a) to s. 102, *post*, p. 119.

(b) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

99. *Limewashing, painting and washing of bakehouses.*]—(1) All the inside walls of the rooms of a bakehouse

and all the ceiling or tops of those rooms (whether those walls, ceilings or tops are plastered or not) and all the passages and staircases of a bakehouse must either be painted with oil or varnished or be limewashed or be partly painted or varnished and partly limewashed ; and

(a) where the bakehouse is painted with oil or varnished, there must be three coats of paint or varnish and the paint or varnish must be renewed once at least in every seven years and must be washed with hot water and soap once at least in every six months ; and

(b) where the bakehouse is limewashed, the limewashing must be renewed once at least in every six months.

(2) A bakehouse in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (a).

(a) **Penalty.**—See s. 135, *post*, p. 172. For application to London, see note (a) to s. 102, *post*, p. 119.

100. *Provision as to sleeping places near bakehouses.*]

—(1) A place on the same level with a bakehouse and forming part of the same building may not be used as a sleeping place, unless it is constructed as follows ; that is to say,

(a) is effectually separated from the bakehouse by a partition extending from the floor to the ceiling ; and

(b) has an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

(2) If any person lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section, he shall be liable to a fine (a) not exceeding, for the first offence, twenty shillings and, for any subsequent offence, five pounds.

(a) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180. For application to London, see note (a) to s. 102, *post*, p. 119.

101. *Prohibition of underground bakehouses.*]—(1) An underground bakehouse shall not be used as a bakehouse unless it was so used at the passing of this Act (a).

(2) Subject to the foregoing provision, after the first day of January one thousand nine hundred and four an underground bakehouse shall not be used unless certified by the district council (*b*) to be suitable for that purpose.

(3) For the purpose of this section an underground bakehouse shall mean a bakehouse any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room. The expression "baking room" means any room used for baking or for any process incidental thereto.

(4) An underground bakehouse shall not be certified as suitable unless the district council is satisfied that it is suitable as regards construction, light, ventilation and in all other respects.

(5) This section shall have effect as if it were included among the provisions relating to bakehouses which are referred to in section twenty-six of the Public Health (London) Act, 1891 (*c*).

(6) If any place is used in contravention of this section, it shall be deemed to be a workshop not kept in conformity with this Act (*d*).

(7) In the event of the refusal of a certificate by the district council, the occupier of the bakehouse may, within twenty-one days from the refusal, by complaint apply to a court of summary jurisdiction and, if it appears to the satisfaction of the court that the bakehouse is suitable for use as regards construction, light, ventilation and in all other respects, the court shall thereupon grant a certificate of suitability of the bakehouse, which shall have effect as if granted by the district council.

(8) Where any place has been let as a bakehouse (*e*), and the certificate required by this section cannot be obtained unless structural alterations are made, and the occupier alleges that the whole or part of the expenses of the alterations ought to be borne by the owner, he may by complaint apply to a court of summary jurisdiction (*f*), and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable, under the circumstances of the case, regard being had to the terms of any contract between the parties (*g*) ; or in the alternative the

court may, at the request of the occupier, determine the lease.

(a) **Used at the Passing of the Act.**—In the case of *Schwerzerhof v. Wilkins*, [1898] 1 Q. B. 640 ; 67 L. J. Q. B. 476, the underground portion of certain premises was used as a bakehouse for about fifteen years until October, 1895. The premises then became vacant and remained so until February, 1896, the landlord in the meantime doing up the premises and advertising them as being to let as baker's premises. On January 1st, 1896, the Act of 1895, which contained a provision similar to that in this sub-section, came into operation. The premises were taken by a baker in February, 1896, and he, after using them for some time for the purposes of his business, was convicted of an offence under the section corresponding to sub-s. (1), *supra*. But upon a special case stated for the opinion of the High Court, it was held that the conviction was wrong, and that the bakehouse, although not actually in use at the commencement of the Act, was nevertheless "used" as a bakehouse at the commencement of the Act, within the meaning of the exception. In other words, the temporary lack of a tenant did not serve to exclude the premises from the benefit of the exception and so render their occupier liable for a breach of the provisions of the section forbidding the use of a place underground as a bakehouse.

(b) **Certified by the District Council.**—In *Evans v. Gallon* (1904), 68 J. P. 537, Lord ALVERSTONE, C.J., and KENNEDY and PHILLIMORE, J.J., said that the effect of sub-ss. (1) and (2) is that no underground bakehouse may be used, unless it was used at the passing of the Act and also has been certified by the district council to be suitable for the purpose.

(c) **The Public Health (London) Act, 1891.**—The combined effect of this provision and the London Government Act, 1899, is to make the provisions of this section, so far as they relate to bakehouses which are workshops, enforceable in London by the borough councils. See also note (a) to s. 102, *infra*.

(d) **Penalty.**—See s. 135, *post*, p. 172.

(e) **Let as a Bakehouse.**—In *Morris v. Beal*, [1904] 2 K. B. 583 ; 68 J. P. 542 ; 73 L. J. K. B. 830 ; 91 L. T. 486, KENNEDY and PHILLIMORE, J.J., thought that premises are not let as a bakehouse unless the lease compels, and not merely permits, the tenant so to use them. This point, however, was not necessary to the decision of the case, and Lord ALVERSTONE, C.J., took the opposite view. The doubts cast upon this case by the decisions mentioned in note (g), *infra*, have nothing to do with this point.

(f) **May apply to a Court of Summary Jurisdiction.**—The word "may" means "must" (*per* VAUGHAN WILLIAMS, L.J., in *Horner v. Franklin*, [1905] 1 K. B. 479 ; 69 J. P. 117 ; 74 L. J. K. B. 291 ; 92 L. T. 178, decided under the similar words in s. 14 (4), *ante*, p. 29). Such an application is the only remedy, for the sub-section excludes the jurisdiction of the High

Court altogether, and even if the lease contains a covenant casting the whole burden of these expenses on the tenant, the landlord cannot bring an action on the covenant, but must apply to a court of summary jurisdiction (*per* the Court of Appeal in *Stuckey v. Hooke*, [1906] 2 K. B. 20 ; 70 J. P. 214 ; 75 L. J. K. B. 504 ; 94 L. T. 723 ; 54 W. R. 509).

(g) **Effect of Sub-section.**—Questions have arisen as to whether the court of summary jurisdiction is bound to enforce the contract between the parties, when the lease expressly or impliedly throws the whole burden of these expenses upon one of them. In *Goldstein v. Hollingsworth*, [1904] 2 K. B. 578 ; 68 J. P. 383 ; 73 L. J. K. B. 826 ; 91 L. T. 85, the expenses were incurred in the first year of a twenty-one years' lease which contained a covenant by the tenant to pay them. The magistrate made him pay them all, and the King's Bench Division upheld his decision, but thought the case might have been different if the tenancy had not had so long to run. But in *Morris v. Beal*, *supra*, where the expenses were incurred in the fourth year of a similar lease, the magistrate made the landlord pay part, and the King's Bench Division reversed his decision, saying that in face of the covenant he had no jurisdiction to apportion the expenses at all. This judgment, however, was doubted by FLETCHER MOULTON, L.J., in *Stuckey v. Hooke*, *supra*. This sub-section should be compared with s. 14 (4), *ante*, p. 29, and the questions which arise under it are fully discussed in the notes to that section, to which the reader is referred.

102. *Enforcement of law as to retail bakehouses by sanitary authorities.*—As respects every retail bakehouse, the provisions of this Part of this Act shall be enforced by the district council (a) of the district in which the retail bakehouse is situate, and not by an inspector ; and for the purposes of this section the medical officer of health of the district council shall have and may exercise all the powers of entry, inspection, taking legal proceedings and otherwise of an inspector (b).

In this section the expression "retail bakehouse" means any bakehouse or place, not being a factory, the bread, biscuits or confectionery baked in which are sold, not wholesale, but by retail, in some shop or place occupied with the bakehouse.

(a) **Application to London.**—In the city of London the court of common council, and in the rest of London the metropolitan borough councils are substituted for the district council. See s. 153 (4), *post*, p. 195.

It should be noted that there has, apparently, been no alteration of the law with regard to wholesale bakehouses in London which

are not factories. Formerly, by s. 26 of the Public Health (London) Act, 1891 (Appendix, *post*, p. 374), ss. 34, 35, and 81 of the Act of 1878, and ss. 15 and 16 of the Act of 1883 relating to bakehouses were, as respects all bakehouses which were workshops, enforced by the local sanitary authority (now the borough council). Those sections have now been repealed, and the sections of the present Act which replace them, namely, ss. 97—102, are not (except s. 101), expressly made subject to the Public Health (London) Act. But by s. 38 of the Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 26 of the Public Health (London) Act, 1891, is now to be read as if ss. 97—102 of this Act were expressly included in it, and made enforceable by the metropolitan borough councils. As s. 101 is almost entirely new it was necessary to expressly include it in the London Act. Bakehouses which are factories are of course under the inspector's control.

(b) **Powers of Inspector.**—See ss. 119, 120, *post*, pp. 158, 160.

(iv) LAUNDRIES.

103. *Application of Act to laundries.*]—(1) *In every laundry carried on by way of trade or for purposes of gain, the following provisions shall apply :*

- (a) *The period of employment, exclusive of meal hours and absence from work, shall not exceed, for women, fourteen hours, for young persons, twelve hours and, for children, ten hours in any consecutive twenty-four hours ; nor a total, for women and young persons, of sixty hours and, for children, of thirty hours in any one week, in addition to such overtime as may be allowed in the case of women ;*
- (b) *A woman, young person or child must not be employed continuously for more than five hours without an interval of at least half an hour for a meal ;*
- (c) *Women, young persons and children employed in the laundry shall have allowed to them the same holidays as are allowed to women, young persons and children employed in a factory or workshop under this Act ;*
- (d) *So far as regards provisions with respect to health and safety, accidents, education of children, notice of occupation of a factory or workshop, the affixing of abstracts and notices and the matters to be specified in those notices (so far as they apply to laundries), powers of inspectors, fines and legal*

proceedings for any failure to comply with the provisions of this section, this Act shall have effect as if every laundry in which steam, water or other mechanical power is used in aid of the laundry process were a factory, and every other laundry were a workshop, and as if every occupier of a laundry were the occupier of a factory or of a workshop ;

- (e) The notice to be affixed in the laundry shall specify the period of employment and the times for meals, but the period and times so specified may be varied before the beginning of employment on any day ;*
- (f) The provisions of this Act prohibiting the employment of women within four weeks after childbirth and of children under the age of twelve years shall apply to the laundry in like manner as to a factory or workshop.*

(2) Women employed in laundries may work overtime, subject to the following conditions, namely :

- (a) A woman must not work more than fourteen hours in any day ; and*
- (b) The overtime worked must not exceed two hours in any day ; and*
- (c) Overtime must not be worked on more than three days in any week or more than thirty days in any year ; and*
- (d) The requirements of section sixty of this Act with respect to notices must be observed.*

(3) In the case of every laundry worked by steam, water or other mechanical power—

- (a) A fan or other means of a proper construction must be provided, maintained and used for regulating the temperature in every ironing-room and for carrying away the steam in every washhouse in the laundry ; and*
- (b) All stoves for heating irons must be sufficiently separated from any ironing-room, and gas irons emitting any noxious fumes must not be used ; and*
- (c) The floors must be kept in good condition and drained in such manner as will allow the water to flow off freely.*

A laundry in which these provisions are contravened shall be deemed to be a factory not kept in conformity with this Act.

(4) *Nothing in this section shall apply to any laundry in which the only persons employed are—*

- (a) *Inmates of any prison, reformatory or industrial school or other institution for the time being subject to inspection under any Act other than this Act; or*
- (b) *Inmates of an institution conducted in good faith for religious or charitable purposes; or*
- (c) *Members of the same family dwelling there, or in which not more than two persons dwelling elsewhere are employed.*

This section is repealed by the Factory Act, 1907, *post*, p. 229, which substitutes a number of new provisions, and brings laundries within the general law relating to factories and workshops.

(v) DOCKS.

104. *Application of certain provisions to docks.]—(1) The provisions of this Act with respect to—*

- (i) *power to make orders as to dangerous machines (section seventeen) (a);*
 - (ii) *accidents (b);*
 - (iii) *regulations for dangerous trades (c);*
 - (iv) *powers of inspectors (section one hundred and nineteen) (d); and*
 - (v) *finest in case of death or injury (section one hundred and thirty-six) (e);*
- shall have effect as if every dock (f), wharf (g), quay and warehouse (h) and all machinery or plant (i) used in the process of loading (k) or unloading or coaling any ship in any dock (l), harbour or canal were included in the word “factory” (m), and the purpose for which the machinery or plant is used were a manufacturing process; and as if the person who by himself, his agents or workmen uses any such machinery or plant for the before-mentioned purpose were the occupier (n) of the premises; and for the purpose of the enforcement of those provisions the person having the actual use or occupation (n) of a dock, wharf, quay or warehouse or of any premises within the same or forming part thereof and the person so using any such*

machinery or plant shall be deemed to be the occupier (*n*) of a factory.

(2) For the purposes of this section the expression “plant” includes any gangway or ladder used by any person employed to load or unload or coal a ship, and the expressions “ship” (*o*) and “harbour” (*p*) have the same meaning as in the Merchant Shipping Act, 1894.

The Workmen's Compensation Act, 1897, applied (see s. 7 of that Act) to “employment in or about a factory,” including any dock, wharf, quay, warehouse, machinery, or plant, to which any provision of the Factory Acts is applied by the Factory and Workshop Act, 1895 (now the Act of 1901. See *Stevens v. General Steam Navigation Co., Limited*, [1903] 1 K. B. 890; 72 L. J. K. B. 417; 88 L. T. 542; 51 W. R. 578). The result was that in the case of accidents to workmen whose employment took them into docks, buildings, etc., their right to compensation often depended upon the exact shade of meaning to be attributed to the wording of this and the succeeding section. Very fine distinctions were drawn by the courts, and on some points the cases are conflicting. The Act of 1906 by extending the right to compensation to almost all workmen has rendered these decisions obsolete as regards the end to which they were directed, but nevertheless they explain the meaning of expressions in the Factory Acts and cannot therefore be altogether omitted here. Any attempt to give them all would involve many pages of notes and would scarcely serve any useful purpose, for it will probably turn out that many of the fine distinctions referred to are of no importance apart from questions of compensation. It has therefore been thought best to give a selection of the more important cases, as in former editions, and to refer the reader for fuller information to treatises on the Workmen's Compensation Act, 1897.

(a) *Ante*, p. 34.

(b) Sections 19—22, *ante*, pp. 36—40.

(c) Sections 79—86, *ante*, pp. 98—104.

(d) *Post*, p. 158.

(e) *Post*, p. 173.

(f) **Dock**.—This includes a wet dock (*Hanlon v. North City Milling Co.*, [1903] 2 I. R. 163). See also *Raine v. Jobson* and *Cattermole v. Atlantic Transport Co.* in note (l), *infra*, p. 125.

(g) **Wharf**.—In *Haddock v. Humphrey*, [1900] 1 Q. B. 609; 64 J. P. 86; 60 L. J. Q. B. 327; 82 L. T. 72; 48 W. R. 292, the majority of the Court of Appeal held that a timber yard owned by a dock company and occupied by timber merchants divided from the quay by a wall and a public road is not a “wharf.”

In *Ellis v. Wm. Cory & Son, Limited*, [1902] 1 K. B. 38; 66 J. P. 116; 71 L. J. K. B. 72; 85 L. T. 499; 50 W. R. 131, the Court of Appeal held that a structure moored in a river

at some distance from, and not connected with, the shore, and used for the purpose of discharging coal from ships into barges was a "wharf."

In *Kenny v. Harrison*, [1902] 2 K. B. 168 ; 71 L. J. K. B. 783 ; 87 L. T. 318, the Court of Appeal held that a piece of land within a system of docks, forty yards from the actual waterside and separated from the wharf by a dock railway, used for stacking timber landed from the various docks and wharves of the system may be a "dock or wharf," and *Haddock v. Humphrey*, *supra*, was distinguished.

(h) **Warehouse.** — In *Colvine v. Anderson and Gibb* (1902), 5 Fraser, 255, a drysalter carried on business in premises consisting of two rooms and two cellars. Nearly 90 per cent. of his business consisted of retail sales, largely over the counter. A large quantity of goods was kept on the premises for the purpose of this trade:—*Held*, by the Court of Session that the premises were not a "warehouse."

In *Green v. Britten and Gilson*, [1904] 1 K. B. 350 ; 68 J. P. 139 ; 73 L. J. K. B. 126 ; 89 L. T. 713 ; 52 W. R. 198, the Court of Appeal held that a place used for storing goods for sale in connection with a shop, but on the other side of the road, is a "warehouse" ; but in *Burr v. W. Whiteley, Limited* (1902), 19 T. L. R. 117, they held that a room in the basement of a retail shop in which goods are stored pending their sale is not a "warehouse."

In *Middleton v. Wade & Son* (C. A., May, 1905), unreported, but cited in 53 W. R. at p. 629, the Court of Appeal are said to have decided that a roof is necessary to constitute a warehouse, and that because a space is used for storing goods for commercial purposes it does not necessarily become a warehouse. In *Buckingham v. Fulham Corporation* (1905), 69 J. P. 297 ; 53 W. R. 628, a county court judge held that an open yard used for dumping scrap iron, old wood paving blocks, etc., some of which was occasionally sold, was not a warehouse, and the Court of Appeal approved the decision. In *M'Ewan v. Perth Corporation* (1905), 7 Fraser, 714, the Court of Session in Scotland held that a yard, partly open and partly covered by a shed, used for stone-breaking and for the storage of road-mending materials is not a warehouse. There is no absolute rule of law that a store attached to a retail business cannot be a warehouse (*per* the Court of Appeal in *Moreton v. Reeve*, [1907] 2 K. B. 401 ; 76 L. J. K. B. 850 ; 97 L. T. 63).

(i) **Machinery or Plant.**—See note (a) to s. 17, *ante*, p. 34. Further, in *Durrie v. Warren* (1899), 15 T. L. R. 365, and *Medd v. McIver* (1899), 15 T. L. R. 364, the Court of Appeal held that (a) iron gangway doors in the side of a ship in dock through which cargo was taken in the process of loading or unloading, and (b) a staging outside the ship used in closing the gangway doors after the loading was complete, were not "machinery or plant used in the process of loading or unloading."

It has been held in a number of cases, both in England and Scotland, that the words refer only to machinery or plant on the dock side, and do not include the ship's own tackle; but this interpretation has been overruled, impliedly, by the House of Lords in *Stuart v. Nixon*, *infra*, and expressly by the Court of Session in *Reid v. Anchor Line* (1903), 5 Fraser, 435; 40 Sc. L. R. 352.

(k) **Process of Loading.**—In *Stuart v. Nixon and Another*, [1901] A. C. 79; 70 L. J. Q. B. 170; 84 L. T. 65; 17 T. L. R. 156, a ship in dock was being loaded by machinery. The actual loading was finished, and the men were putting in the hatchway beams. The House of Lords held that the ship was in process of loading.

(l) **Ship in Dock, etc.**—In *Raine v. Jobson*, [1901] A. C. 404; 70 L. J. K. B. 771; 85 L. T. 141; 49 W. R. 705, the House of Lords decided that a ship in dry dock is subject to the Act of 1895, and in *Cattermole v. Atlantic Transport Co.*, [1902] 1 K. B. 204; 66 J. P. 4; 71 L. J. K. B. 173; 85 L. T. 513; 50 W. R. 129, the Court of Appeal held that for this purpose there is no difference between a dry and a wet dock.

The Workmen's Compensation Act of 1897 did not apply to seamen doing their ordinary duties as seamen afloat on board ship, although the ship was in dock and the dock was a factory (*per* the House of Lords in *Houlder Line, Limited v. Griffin*, [1905] A. C. 220; 74 L. J. K. B. 466; 92 L. T. 580; 53 W. R. 609). But it did apply to seamen doing any other duty (*per* the Court of Session in *Cayzer, Irvine & Co. v. Dickson* (1905), 7 Fraser, 723).

Section 7 of the Workmen's Compensation Act, 1906, which gives compensation to seamen, has rendered all the above cases of little practical importance in future.

(m) **Factory.**—A dock, wharf, etc., is to be considered a factory for the purposes of the Workmen's Compensation Acts whether any of the provisions of the Factory Acts are actually applicable to it at the time in question or not (*Barrett v. Kemp Brothers*, [1904] 1 K. B. 517; 52 W. R. 257; *Strain v. Sloan* (1901), 3 Fraser, 663). *Hall v. Snowden, Hubbard & Co.*, [1899] 2 Q. B. 136; 68 L. J. Q. B. 645; 80 L. T. 554; 47 W. R. 486, in which a contrary opinion was expressed, is overruled by *Raine v. Jobson* and *Barrett v. Kemp Brothers*.

(n) **Occupier; Actual Use or Occupation.**—The meaning of these two phrases is illustrated by the following cases: In *Jackson v. Rodger* (1899), 1 Fraser, 1053, a shipbuilder built a ship by contract, and, after she was launched, sent her into a dock to have her engines fitted by a sub-contractor:—*Held*, by the Scotch courts, that the shipbuilder was in actual use or occupation of the dock. In *Bruce v. Henry* (1900), 2 Fraser, 717, the Scotch courts held that a shipping agent who has contracted with a ship-owner to unload his ship in a dock, is not in actual occupation of

the dock. In *Low v. Abernethy* (1900), 2 Fraser, 722, the Scotch courts held that the fact that a ship lying in dock is having her boilers repaired there, does not make the repairing firm occupiers of the dock ; but this decision does not apply if the repairers are also the owners or hirers of the dock. See *Raine v. Jobson*, *supra*. In *Merrill v. Wilson*, [1901] 1 Q. B. 35 ; 83 L. T. 490 ; 49 W. R. 161, the Court of Appeal held that when a ship is moored alongside a quay, and the part of the quay next the ship is used by the shipowner for discharging cargo, the shipowner has the actual use or occupation of the quay. In *Bartell v. Gray & Co.*, [1902] 1 K. B. 225 ; 66 J. P. 308 ; 71 L. J. K. B. 115 ; 85 L. T. 658 ; 50 W. R. 310, the Court of Appeal decided that a repairing firm are in actual use or occupation notwithstanding the fact that the crew are still in charge of the ship for the owners. In *Carrington v. Bannister & Co.*, [1901] 1 K. B. 20 ; 70 L. J. K. B. 31 ; 83 L. T. 457, a firm of coal shippers were employed to unload coal from trucks into a ship at a quay. To do so they used machinery which was the property of the railway company :—*Held*, that they were the occupiers of a factory. In *Stewart v. Dublin and Glasgow Steam Packet Co., Limited* (1902), 5 Fraser, 57, a berth at a quay was used principally by the ships of two companies, but occasionally by other vessels. One of these companies had a contract for coaling their vessels, which was performed by a sub-contractor. A servant of the sub-contractor was trimming coal on the quay in anticipation of the arrival of a vessel when he fell into the water and was drowned :—*Held*, that the company were not in actual use or occupation of the quay at the time of the accident. In *Stewart v. Darngarvil Coal Co., Limited* (1902), 4 Fraser, 425, a coal company contracted with shipowners to supply bunker coal to their ships. The coal company contracted with a coal porter to put the coal on board at a particular berth. The coal porter employed labourers to do the work, one of whom fell off the quay and was drowned :—*Held*, that under the circumstances the coal company were not occupiers of a factory. In *Fogarty v. Wallis & Co.*, [1903] 2 I. R. 522, the post office hired a shed on a wharf temporarily, and employed W. to cart parcels from the town to the shed. A workman of W.'s was crushed between his cart and the wall of the shed :—*Held*, that the shed was a factory, and that W. was its occupier. In *Weavings v. Kirk and Randall*, [1904] 1 K. B. 213 ; 68 J. P. 91 ; 73 L. J. K. B. 77 ; 89 L. T. 577 ; 52 W. R. 209, a warehouse was being built by a contractor, and when it was nearly finished the defendants were employed to construct shelves and pigeon-holes therein :—*Held*, that the defendants were “occupiers,” and were in actual use and occupation of a factory, and that there may be more than one “occupier” at the same time. In *Ramsay v. Mackie* (1904), 7 Fraser, 106, the owner of a quantity of peas lying in bulk in a grain store which was a “warehouse” sold part to a purchaser and gave him a delivery order. He sent a carter to fetch the peas, but while the carter was loading them a bag fell upon him and killed him. The Court of Session held that the purchaser was not the occupier of a factory. In

Pacific Steam Navigation Co. v. Pugh & Sons (1907), 23 T. L. R. 622, the defendants, who were tenants of a small hut in a dock, supplied horses and men for hauling coal trucks from the railway sidings to the ships in the dock. When men or horses were wanted they telephoned from the hut to their stables outside the dock. The Court of Appeal held that they were in actual use and occupation of the dock.

(o) **Ship**.—The definition is as follows (s. 742): “ ‘Ship’ includes every description of vessel used in navigation not propelled by oars.” The following cases show the meaning of the definition: A ship which has been dismantled and used as a coal hulk for four years is no longer a “ship” (*European and Australian Royal Mail Co., Limited v. P. and O. Steam Navigation Co.* (1866), 14 L. T. 704; 14 W. R. 843; 12 Jur. (N.S.) 909). A half-decked herring coble of ten tons, 24 feet long, with two masts, but propelled by oars whenever occasion requires, is a “ship” (*Ex parte Ferguson or Hutchinson* (1871), L. R. 6 Q. B. 280; 40 L. J. Q. B. 105; 24 L. T. 96; 19 W. R. 746). A hopper barge used for dredging, and not provided with any means of propulsion is a “ship” (*The Mac* (1882), 7 P. D. 126; 51 L. J. Adm. 81; 46 L. T. 907). An electric launch used for carrying passengers round an artificial lake half a mile long, 180 yards wide and 3 feet deep is not a “ship” (*Southport Corporation v. Morris*, [1893] 1 Q. B. 359; 57 J. P. 231; 62 L. J. M. C. 47; 68 L. T. 221; 41 W. R. 382). A gas-float used as a floating beacon, shaped like a boat, 50 feet long, with no rudder or means of propulsion, but supporting a light and containing a large cylinder of gas, is not a “ship” (*The Gas Float Whitton* (No. 2), [1897] A. C. 337; 66 L. J. Adm. 99; 76 L. T. 663). A spritsail barge navigating only upon the tidal waters and estuary of the Thames, but never going to sea, is a “ship” within the definition (*Corbett v. Pearce*, [1904] 2 K. B. 422; 68 J. P. 387; 73 L. J. K. B. 885; 90 L. T. 781).

(p) **Harbour**.—The definition is as follows (s. 742): “ ‘Harbour’ includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers.”

(vi) BUILDINGS.

105. *Application of certain provisions to buildings.*—
(1) The provisions of this Act with respect to—

- (i) power to make orders as to dangerous machines (section seventeen) (a);
- (ii) accidents (b);
- (iii) regulations for dangerous trades (c);
- (iv) powers of inspectors (section one hundred and nineteen) (d); and
- (v) fines in case of death or injury (section one hundred and thirty-six) (e);

shall have effect as if any premises on which machinery worked by steam, water or other mechanical power is temporarily used for the purpose of the construction (*f*) of a building (*g*) or any structural work in connection with a building were included in the word "factory," and the purpose for which the machinery is used were a manufacturing process, and as if the person who, by himself, his agents or workmen, temporarily uses any such machinery for the before-mentioned purpose were the occupier (*h*) of the said premises; and for the purpose of the enforcement of those provisions the person so using any such machinery shall be deemed to be the occupier of a factory.

(2) The provisions of this Act with respect to notice of accidents and the formal investigation of accidents shall have effect as if—

(a) any building which exceeds thirty feet in height (*i*) and which is being constructed or repaired (*k*) by means of a scaffolding (*l*); and

(b) any building which exceeds thirty feet in height and in which more than twenty persons, not being domestic servants, are employed for wages,

were included in the word "factory," and as if, in the first case, the employer of the persons engaged in the construction or repair and, in the second case, the occupier of the building were the occupier of a factory.

It should be observed that the Workmen's Compensation Act, 1897 (by s. 7 (1) of that Act), applied "to employment . . . on in or about any building which exceeds thirty feet in height, and is either being constructed or repaired by means of a scaffolding, or being demolished, or on which machinery driven by steam, water, or other mechanical power, is being used for the purpose of the construction, repair, or demolition thereof." These words, with the exception of the provision as to demolition, are in effect the same as those of the present section, and consequently many of the cases decided under that Act (notwithstanding its repeal) are authorities upon the Factory Act. Those cases are briefly referred to in the following notes. See also the introductory note to the last section.

(a) *Ante*, p. 34.

(b) Sections 19—22, *ante*, pp. 36—40.

(c) Sections 79—86, *ante*, pp. 98—104.

(d) *Post*, p. 158.

(e) *Post*, p. 173.

(f) **Mechanical Power used in Construction.**—In *McNicholas v. Dawson*, [1899] 1 Q. B. 773 ; 68 L. J. Q. B. 470 ; 80 L. T. 317 ; 47 W. R. 500, the Court of Appeal held that a steam engine and mortar pan in a shed 20 yards away from a building in course of construction, and used for grinding mortar for the new building, are a factory.

(g) **Building.**—The word “building” occurs in many of the Acts relating to public health, and has there been judicially interpreted ; for instance, in *Stevens v. Gourley* (1859), 7 C. B. (N.S.) 99 ; 29 L. J. C. P. 1 ; 1 L. T. 33 ; 8 W. R. 85 ; 1 F. & F. 498 ; 6 Jur. (N.S.) 147, a large wooden structure 16 ft. by 13 ft. not let into the ground, but lying on the surface, intended to be used as a shop, was held to be a “building” ; and in *Leicester Corporation v. Brown* (1892), 57 J. P. 70 ; 62 L. J. M. C. 22 ; 67 L. T. 686 ; 41 W. R. 78, it was held that a wooden structure 9 ft. by 3 ft. by 7 ft., let into the ground and used for exhibiting photographs, is a “building.”

In *Aylward v. Matthews*, [1905] 1 K. B. 343 ; 74 L. J. K. B. 336 ; 92 L. T. 189 ; 53 W. R. 292, the Court of Appeal held that a temporary wooden structure of a substantial nature, such as a platform 62 feet high for a steam crane, to be used in the construction of a building, may be a “building” within the meaning of s. 7 of the Workmen’s Compensation Act, 1897.

(h) **Occupier.**—In *Purves v. Sterne* (1900), 2 Fraser, 887, a cold storage works had just been erected, and the refrigerating machinery installed. The firm who supplied the machinery were giving it a trial run prior to its being taken over, when a workman was injured. He sued for damages under the Workmen’s Compensation Act, but the Court of Session in Scotland held that even if the place was a factory within the meaning of s. 149, which they doubted, the firm of engineers were not “occupiers” within the meaning of this section. See also note (n) to s. 104, *supra*, p. 125.

(i) **Buildings Exceeding 30 feet in Height.**—In *Rixsom v. Pritchard*, [1900] 1 Q. B. 800 ; 69 L. J. Q. B. 554 ; 82 L. T. 186, two adjacent buildings, one more and one less than 30 feet in height, belonged to the same owner, and were connected internally. The plaintiff was injured while pulling down the smaller building. The Court of Appeal held that he was not demolishing a building more than 30 feet high.

The height referred to is the height at the time of the accident or other occurrence causing the Act to be put in motion (*Billings v. Holloway*, [1899] 1 Q. B. 70). It is to be measured to the top of the roof and not merely to the top of the walls (*Hoddinott v. Newton, Chambers & Co., Limited*, *infra*, note (l)), and from the surface of the ground within the building at the time of the accident, etc. (*McGrath v. Neill & Sons*, [1902] 1 K. B. 211 ; 66 J. P. 180). In the latter case the footings of the walls and no more had been covered in, and the Court of Appeal held that the height must be measured from the top of the footings and not

from the level of the basement. In Scotland it has been held that the height must not be measured from the actual foundations (*Halstead v. Thomson & Sons* (1901), 3 Fraser, 668).

In *Knight v. Cubitt*, [1902] 1 K. B. 31 ; 71 L. J. K. B. 65 ; 85 L. T. 526 ; 50 W. R. 113, an accident took place while a building was being demolished. At the time of the accident the building was only 11 feet high, but the party-wall between it and the next house was untouched, and was more than 30 feet high. The county court judge found that the building was over 30 feet high : —*Held*, that he was justified in so finding.

In *Hartley v. Quick*, [1905] 1 K. B. 359 ; 74 L. J. K. B. 257 ; 92 L. T. 191, an old building over 30 feet high was about to be enlarged. For that purpose a new building was in course of erection alongside it, which would eventually be connected with it. At a time when no part of the new building was 30 feet high a workman was injured. The Court of Appeal held that he might be regarded as having been employed about a building over 30 feet high.

(*k*) **Constructed or Repaired.**—A building which has been completed and found to be faulty, and is therefore being altered, is being “constructed” (*Hoddinott v. Newton, Chambers & Co., Limited*, *infra*, note (*l*)). Whitewashing ceilings is “repairing” (*Dredge v. Conway, Jones & Co.*, [1901] 2 K. B. 42 ; 70 L. J. K. B. 494 ; 84 L. T. 345 ; 49 W. R. 518). Painting may be “repairing” (*Reddy v. Broderick*, *infra*, note (*l*)).

A building is still “being constructed” until the scaffolding has been removed, even though the building is actually in use (*Frid v. Fenton* (1900), 69 L. J. Q. B. 436 ; 82 L. T. 193).

(*l*) **Scaffolding.**—In *Hoddinott v. Newton, Chambers & Co., Limited*, [1901] A. C. 49 ; 70 L. J. K. B. 150 ; 84 L. T. 1 ; 49 W. R. 380, it was held by the majority of the House of Lords that : (1) A building which has been completed and found to be faulty, and therefore is being altered, is being “constructed” ; (2) It is a question of law, when once the facts are ascertained, whether any particular structure is a scaffolding ; and (3) Scaffolding may be external or internal, and includes an internal staging made of planks and trestles without poles.

This decision overruled *Wood v. Walsh*, [1899] 1 Q. B. 1009 ; 63 J. P. 212 ; 68 L. J. Q. B. 492 ; 80 L. T. 345 ; 47 W. R. 504 ; *Maude v. Brook*, [1900] 1 Q. B. 575 ; 64 J. P. 181 ; 69 L. J. Q. B. 322 ; 82 L. T. 39 ; 48 W. R. 290 ; and *Ferguson v. Green*, [1901] 1 Q. B. 25 ; 64 J. P. 819 ; 70 L. J. Q. B. 21 ; 83 L. T. 461 ; 49 W. R. 105, so far as they decided that it is a question of fact for the arbitrator under the Workmen’s Compensation Act to decide whether any particular structure is or is not a scaffolding. The following structures have been held to be scaffolding :

- (1) Boards laid upon trestles inside a house, and used by plasterers in plastering inside walls and ceilings (*Maude v. Brook*, *supra*). The case is probably still an authority upon this point, although it was overruled upon another point as mentioned above.

- (2) A plank from a ladder to a wall when used for whitewashing ceilings (*Reddy v. Broderick*, [1901] 2 I. R. 328).
- (3) A "crawling board," used for repairing roofs, resting on a roof and held at one end by a man standing on a ladder (*Veasey v. Chattle*, [1902] 1 K. B. 494; 66 J. P. 389; 71 L. J. K. B. 252; 85 L. T. 574; 50 W. R. 263).

In the Scotch case of *Halstead v. Thomson & Sons* (1901), 3 Fraser, 668, a scaffold was being used for the repair of a building both before and after the day of an accident, but on the day itself it had been temporarily taken down and taken to pieces. It was held that the building was being "constructed or repaired by means of a scaffolding" on the day of the accident.

In *Marshall v. Rudeforth*, [1902] 2 K. B. 175; 66 J. P. 627; 71 L. J. K. B. 781; 86 L. T. 752; 50 W. R. 596, a workman while carrying slates up a ladder placed against a house, one end of which rested on the ground and the other on the parapet of the house, fell from the ladder and was injured. The county court judge found that the ladder was not a scaffolding:—*Held*, by the Court of Appeal, that they could not say, as a matter of law, that the ladder must be a scaffolding, and therefore could not interfere with his decision. In *Elvin v. Woodward & Co.*, [1903] 1 K. B. 838; 72 L. J. K. B. 468; 88 L. T. 671; 51 W. R. 518, COLLINS, M.R., and MATHEW, L.J. (*dissentiente* STIRLING, L.J.), held that painters' steps so made that a man can work when standing on them may be a scaffolding. In *Sellars v. Campbell* (1903), 5 Fraser, 900; 40 Sc. L. R. 643, a workman who was painting the wall of a house more than 30 feet high was standing on a ladder while doing his work:—*Held*, by the LORD JUSTICE CLERK and Lord MONCRIEFF (*dissentiente* Lord TRAYNOR), that the ladder was not a scaffolding. In *Crowther v. West Riding Window Cleaning Co.*, [1904] 1 K. B. 232; 68 J. P. 122; 73 L. J. K. B. 71, a workman was standing on the rungs of a ladder leaning against a wall for the purpose of whitewashing the wall. The county court judge held that the ladder was not a scaffolding:—*Held*, by the Court of Appeal that it was impossible to say as a matter of law that the ladder must be a scaffolding within the meaning of the Act, and therefore that they could not interfere with his decision. In *O'Brien v. Dobbie*, [1905] 1 K. B. 346; 74 L. J. K. B. 268; 92 L. T. 721; 53 W. R. 374, a workman employed in repairing a building over 30 feet high was standing on one of the rungs of a ladder, which had been used for this purpose on other occasions. A county court judge held that the ladder was a scaffolding, and the Court of Appeal considered that there was evidence upon which he could so find.

(vii) RAILWAYS.

106. *Application of certain provisions to railway sidings.*]
—(1) Where any line or siding not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900 (a), is used in connexion with

a factory or workshop or with any place to which any of the provisions of this Act are applied, the provisions of this Act with respect to—

- (i) power to make orders as to dangerous machines (section seventeen) (*b*) ;
- (ii) accidents (*c*) ;
- (iii) regulations for dangerous trades (*d*) ;
- (iv) powers of inspectors (section one hundred and nineteen) (*e*) ; and
- (v) fines in case of death or injury (section one hundred and thirty-six) (*f*),

shall have effect as if the line or siding were part of the factory or workshop.

(2) If any such line or siding is used in connexion with more than one factory or workshop belonging to different occupiers, the foregoing provisions shall have effect as if the line or siding were a separate factory.

(a) **Railway.**—The definition in s. 16 of the Act referred to is as follows : “ Any railway used for the purposes of public traffic whether passenger, goods, or other traffic, including any works of the railway company connected with the railway.”

(b) *Ante*, p. 34.

(c) Sections 20—22, *ante*, pp. 37—40, and the Notice of Accidents Act, 1906, *post*, p. 239.

(d) Sections 79—86, *ante*, pp. 98—104.

(e) *Post*, p. 158.

(f) *Post*, p. 173.

PART VI.

HOME WORK.

107. *Lists of outworkers to be kept in certain trades.*—In the case of persons employed in such classes of work as may from time to time be specified by Special Order (*a*) of the Secretary of State—

- (1) The occupier of every factory and workshop and every contractor employed by any such occupier in the business of the factory or workshop shall—
 - (a) keep in the prescribed form (*b*) and manner and with the prescribed particulars lists showing the names and addresses of all persons directly employed by him, either as workmen or as contractors, in the business of the factory or workshop outside the factory or workshop and the places where they are employed ; and

- (b) send to an inspector such copies of or extracts from those lists as the inspector may from time to time require ; and
 - (c) send on or before the first day of February and the first day of August in each year copies of those lists to the district council of the district in which the factory or workshop is situate.
- (2) Every district council shall cause the lists received in pursuance of this section to be examined and shall furnish the name and place of employment of every outworker included in any such list whose place of employment is outside its district to the council of the district in which his place of employment is.
- (3) The lists kept by the occupier or contractor shall be open to inspection by any inspector under this Act and by any officer duly authorised by the district council, and the copies sent to the council and the particulars furnished by one council to another shall be open to inspection by any inspector under this Act.
- (4) This section shall apply to any place from which any work (c) is given out and to the occupier of that place and to every contractor employed by any such occupier in connexion with the said work, as if that place were a workshop.
- (5) In the event of a contravention of this section by the occupier of a factory, workshop or place or by a contractor, the occupier or contractor shall be liable to a fine (d) not exceeding forty shillings and, in the case of a second or subsequent offence, not exceeding five pounds.
- (a) **Special Order.**—By an amending and consolidating Order dated May 23rd, 1907, the provisions of this section are applied to the following classes of work :
- The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel ;
 - The making, ornamenting, mending, and finishing of lace and of lace curtains and nets ;
 - Cabinet and furniture making and upholstery work ;
 - The making of electro-plate ;
 - The making of files ;
 - Fur-pulling ;
 - The making of iron and steel cables and chains ;
 - The making of iron and steel anchors and grapnels ;

The making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds ;
 The making of locks, latches, and keys ;
 The making or repairing of umbrellas, sunshades, parasols, or parts thereof ;
 The making of artificial flowers ;
 The making of nets other than wire nets ;
 The making of tents ;
 The making or repairing of sacks ;
 The covering of racquet or tennis balls ;
 The making of paper bags ;
 The making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material ;
 The making of brushes ;
 Pea picking ;
 Feather sorting ;
 The carding, boxing, or packeting of buttons, hooks and eyes, pins, and hair pins ;
 The making of stuffed toys ;
 The making of baskets ;
 And any processes incidental to the above.

The Order further provides that the lists of outworkers required to be kept by this section, and the copies thereof, shall be kept and made in the form and manner, and with the particulars shown in the Schedule to the Order, for which see note (b), *infra*.

(b) **Prescribed Form.**—The Schedule to the Order of May 23rd, 1907, referred to in note (a), *supra*, prescribes the form and manner in which lists of outworkers are to be kept as follows :

LIST OF OUTWORKERS.

A correct list of outworkers employed in the following classes of work—

- (a) the making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel ;
- (b) the making, ornamenting, mending, and finishing of lace and of lace curtains and nets ;
- (c) cabinet and furniture making and upholstery work ;
- (d) the making of electro-plate ;
- (e) the making of files ;
- (f) fur-pulling ;
- (g) the making of iron and steel cables and chains ;
- (h) the making of iron and steel anchors and grapnels ;
- (i) the making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds ;
- (j) the making of locks, latches, and keys ;
- (k) the making or repairing of umbrellas, sunshades, parasols, or parts thereof ;
- (l) the making of artificial flowers ;
- (m) the making of nets other than wire nets ;

- (n) the making of tents ;
- (o) the making or repairing of sacks ;
- (p) the covering of racquet or tennis balls ;
- (q) the making of paper bags ;
- (r) the making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material ;
- (s) the making of brushes ;
- (u) pea picking ;
- (v) feather sorting ;
- (w) the carding, boxing, or packeting of buttons, hooks and eyes, pins, and hair pins ;
- (x) the making of stuffed toys ;
- (y) the making of baskets ;
- (z) and any processes incidental to the above ;

must be kept in the form and with the particulars specified below in the factory or workshop or place from which the work is given out, and must be open to inspection by H.M. Inspectors and the officers of the local authority ; and a copy of the list signed and dated and corrected up to that date must be forwarded to the local authority of the district on or before the first day of February and on the first day of August in each year.

In order that the list may be correct, the name of any person newly taken into employment should be immediately entered, and the name of any person ceasing to be employed should be immediately struck out.

Factory, Workshop, or	}	Full Postal Address	.
Place from which the		Business	.
work is given out.		Name of Occupier	.

LIST OF PERSONS directly employed by (a) (b) in the business of, but outside, the above Factory, Workshop, or Place, in the classes of work specified above.

Name in full.	Whether employed as Workman (W) or Contractor (C).	Class of work. (Specify by means of index letters as above.)	Place of Employment, i.e. place where the work is actually done.	Address. [No entry need be made in this column if the entry in column (4) is a sufficient address.]
(1.)	(2.)	(3.)	(4.)	(5.)

(a) Give name of employer.

(b) Say whether the occupier or a contractor employed by the occupier.

(c) **Any Work.**—This sub-section was inserted to meet the case of work being given out from a place which is neither a factory nor a workshop. It was formerly confined to "places

from which any work of making wearing apparel for sale is given out," but it now applies to all trades mentioned in the special Order.

(d) **Fines.**—Recoverable summarily. See s. 144, *post*, p. 180.

108. *Employment of person in unwholesome premises.]*

—(1) If the district council within whose district is situate a place in which work is carried on for the purpose of or in connexion with the business of a factory or workshop give notice in writing to the occupier of the factory or workshop or to any contractor employed by any such occupier that that place is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor, after the expiration of one month from receipt of the notice, gives out work to be done in that place, and the place is found by the court having cognizance of the case to be so injurious or dangerous, he shall be liable to a fine (a) not exceeding ten pounds.

(2) This section shall apply in the case of the occupier of any place from which any work is given out as if that place were a workshop.

(3) This section shall not apply except in the case of persons employed in such classes of work as the Secretary of State may specify by Special Order (b).

(a) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

(b) **Special Order.**—By Special Order dated May 23rd, 1907, the provisions of this section are applied to the classes of work mentioned in note (a) to s. 107, *ante*, p. 133.

109. *Making of wearing apparel where there is scarlet fever or small-pox.]*—If the occupier of a factory or workshop or of any place from which any work is given out or any contractor employed by any such occupier causes or allows wearing apparel to be made, cleaned or repaired in any dwelling-house or building occupied therewith whilst any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house and could not reasonably have been expected to become aware of it, he shall be liable to a fine (a) not exceeding ten pounds.

(a) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

110. *Prohibition of home work in places where there is infectious disease.*]—(1) If any inmate of a house is suffering from an infectious disease to which this section applies, the district council of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or workshop or any other place from which work is given out or on the contractor employed by any such occupier.

(2) The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the medical officer of health or that other reasonable precautions shall be adopted.

(3) In any case of urgency the powers conferred on the district council by this section may be exercised by any two or more members of the council acting on the advice of the medical officer of health.

(4) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be liable to a fine (*a*) not exceeding ten pounds.

(5) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases (*b*), and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing and repairing of wearing apparel and any work incidental thereto and such other classes of work as may be specified by Special Order (*c*) of the Secretary of State.

(*a*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

(*b*) **Infectious Diseases.**—The diseases referred to in s. 6 of the Infectious Disease (Notification) Act, 1889, are as follow: Small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names: typhus, typhoid, enteric, relapsing, continued or puerperal, and including, as respects any particular district, any infectious diseases to which the Act has been applied by the local authority of the district.

(c) **Special Order.**—By a consolidating and amending Order dated 23rd May, 1907, the provisions of this section are applied to the following classes of work :

The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel and any work incidental thereto (as in the said section specified) ;

The making, ornamenting, mending, and finishing of lace and of lace curtains and nets ;

Upholstery work ;

Fur pulling ;

The making or repairing of umbrellas, sunshades, parasols, or parts thereof ;

The making of artificial flowers ;

The making of nets other than wire nets ;

The making of tents ;

The making or repairing of sacks ;

The covering of racquet or tennis balls ;

The making of paper bags ;

The making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material ;

The making of brushes ;

Pea picking ;

Feather sorting ;

The carding, boxing, or packeting of buttons, hooks and eyes, pins, and hair pins ;

The making of stuffed toys ;

The making of baskets ;

And any processes incidental to the above.

111. *Application of Act to domestic factories and workshops.*—The application of this Act to domestic factories and domestic workshops (a) shall be subject to the following provisions :

(1) The regulations with respect to the hours of employment of women, young persons and children shall not apply to any such factory or workshop, and in lieu thereof the following regulations shall be observed therein :

(a) A young person or child shall not be employed in the factory or workshop except during the period of employment herein-after mentioned ; and

(b) The period of employment for a young person shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening and shall, on Saturday, begin at six o'clock in the morning and end at four o'clock in the afternoon ; and

- (c) There shall be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half and, on Saturday, than two hours and a half ; and
 - (d) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening or, on Saturday, at four o'clock in the afternoon ; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set (*b*) ; and
 - (e) A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days ; and a child shall not be employed on Saturday in any week (*c*) before the hour of one in the afternoon if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour ; and
 - (f) A child shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.
- (2) The requirement as to making certain entries and reports (*d*) when a woman, young person or child is employed in pursuance of an exception shall not apply except so far as may be prescribed from time to time by the Secretary of State (*e*).
 - (3) The provisions of this Act with respect to certificates of fitness for employment shall apply to a domestic factory as if it were a workshop and not a factory (*f*).
 - (4) The following provisions shall not apply to a domestic factory or to a domestic workshop, namely :

- (a) The provisions as to meal hours being simultaneous and as to prohibition of employment during meal times (*g*) ;
- (b) The provisions as to affixing notices and abstracts and as to specifying certain matters in notices so affixed (*h*) ;
- (c) The provisions as to holidays (*i*) ;
- (d) The provisions as to notices of accidents (*k*) ;
- (e) The provisions as to means of ventilation, the drainage of floors and thermometers (*l*) ;
- (f) The provisions as to the keeping of a general register (*m*).
- (5) The provisions of section one of this Act (relating to the sanitary condition of a factory) shall not apply to a domestic factory (*n*).

(a) **Domestic Factories and Workshops.**—For definition, see s. 115, *post*, p. 142. It should be noted that by s. 114, *post*, certain specified domestic workshops are entirely exempted from all the provisions of the Act.

(b) **Morning and Afternoon Set.**—Note that a child cannot be employed on the alternate day system in a domestic factory or workshop.

(c) **Week.**—For definition, see s. 156, *post*, p. 197.

(d) **Entries and Reports.**—See s. 60, *ante*, p. 79.

(e) **Special Order.**—No such Order is at present (January, 1909) in force.

(f) **Certificates of Fitness**—*i.e.*, the obtaining of a certificate is optional and not compulsory. See s. 65, *ante*, p. 85.

(g) **Meal Times.**—See s. 33, *ante*, p. 52.

(h) **Notices and Abstracts.**—See ss. 127 and 128, *post*, p. 164.

(i) **Holidays.**—See s. 35, *ante*, p. 52.

(k) **Notices of Accidents.**—See the Notice of Accidents Act, 1906, *post*, p. 239, which repeals s. 19 of the present Act, and substitutes new provisions therefor.

(l) **Ventilation, etc.**—See ss. 6, 7 and 8, *ante*, pp. 17—20.

(m) **General Register.**—See s. 129, *post*, p. 165.

(n) **Sanitary Provisions.**—Although the sanitary provisions of this Act contained in s. 1 are not enforceable in domestic factories, the sanitary provisions of the Public Health Acts are enforceable both in domestic workshops and domestic factories by virtue of the provisions of s. 2 of this Act. See the notes to that section, *ante*, p. 12.

112. *Dangerous processes in domestic factories and workshops.*—If any manufacture, process or description of

manual labour, which in pursuance of this Act has been certified by the Secretary of State to be dangerous (a), is carried on in a domestic factory or workshop, all the provisions of this Act shall apply, as if the place were a factory or workshop other than a domestic factory or workshop.

(a) See s. 79, *ante*, p. 98.

113. *Abstracts for domestic factories and workshops.*]—The Secretary of State shall give notice of the provisions of this Act relating to domestic factories and workshops by the publication of the prescribed abstract or otherwise, as he thinks fit.

114. *Non-application of Act to certain domestic workshops.*]—(1) The exercise in a private house or private room by the family dwelling therein or by any of them of manual labour by way of trade or for purposes of gain in or incidental to any of the following handicrafts, namely—

- (i) straw plaiting or
- (ii) pillow-lace making or
- (iii) glove making,

+ laundries see p. 232

shall not of itself constitute the house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of the Secretary of State that, by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein or by any of them, it is expedient to extend the provisions of this sub-section to that handicraft, he may, by Special Order (a), extend the same accordingly. Part Two of this Act shall apply, so far as circumstances admit, as if the order were an order (b) extending an exception.

(2) The exercise in a private house or private room by the family dwelling therein or by any of them of manual labour for the purposes of gain in or incidental to any of the following purposes, namely—

- (i) the making of any article or part of any article ;
or
- (ii) the altering, repairing, ornamenting or finishing
of any article (c) ; or
- (iii) the adapting for sale of any article,

shall not of itself constitute that house or room a workshop (*d*), where the labour is exercised at irregular intervals and does not furnish the whole or principal means of living to the family.

It should be observed that the labour must be exercised only by the family dwelling in the house, and hence plait schools and lace schools will continue to be workshops as heretofore, and the decision in the case of *Beadon v. Parrott* (1871), L. R. 6 Q. B. 718 ; 40 L. J. M. C. 200 ; 19 W. R. 1144, still holds good. In that case, a man kept a school for teaching straw-plaiting and reading. The straw was provided by the parents of the children, and the plait when completed was sold by them. The children were under the minimum age allowed by the Workshop Regulation Act, 1867 :—*Held*, that the man was employing children contrary to the provisions of that Act.

(a) **Special Order.**—No such Order is at present (January, 1909) in force.

(b) **Orders Extending Exceptions.**—For examples of these, see Part II. (ii) of this Act, ss. 36—60, *ante*, pp. 54—81.

(c) **Laundries.**—The exemption contained in this part of the sub-section is extended to laundries by s. 4 of the Act of 1907, *post*, p. 232.

(d) **Workshop.**—See the definition of “workshop” in s. 149, *post*, p. 185.

115. *Definitions of “domestic factory” and “domestic workshop.”*]⁵—The expressions “domestic factory” and “domestic workshop” mean a private house, room or place which, though used as a dwelling, is by reason of the work carried on there a factory or a workshop, as the case may be, within the meaning of this Act and in which neither steam, water nor other mechanical power is used in aid of the manufacturing process carried on there and in which the only persons employed are members of the same family dwelling there.

PART VII.

PARTICULARS OF WORK AND WAGES.

116. *Particulars of work or wages to be given to piece workers.*]⁶—(1) In every textile factory the occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done

and also particulars of the work to which that rate is to be applied, as follows :

- (a) In the case of weavers in the worsted and woollen, other than the hosiery, trades, the particulars of the rate of wages applicable to the work done by each weaver shall be furnished to him in writing at the time when the work is given out to him and shall also be exhibited on a placard not containing any other matter and posted in a position where it is easily legible :
- (b) In the case of weavers in the cotton trade, the particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and the basis and conditions by which the prices are regulated and fixed shall also be exhibited in each room on a placard not containing any other matter and posted in a position where it is easily legible :
- (c) In the case of every other worker, the particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him in writing at the time when the work is given out to him ; provided that, if the same particulars are applicable to the work to be done by each of the workers in one room, it shall be sufficient to exhibit them in that room on a placard not containing any other matter and posted in a position where it is easily legible :
- (d) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in writing at the time when the work is given out to him :
- (e) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols :
- (f) Where an automatic indicator is used for ascertaining work, the indicator shall have marked on its case the number of teeth in each wheel and the diameter of the driving roller, except that, in the case of spinning machines with traversing

carriages, the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller :

- (g) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room, in pursuance of an agreement between employers and workmen and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with this section.

(2) If the occupier fails to comply with the requirements of this section (a) or fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any workman fraudulently alters an automatic indicator, the occupier or workman, as the case may be, shall be liable for each offence to a fine (b) not exceeding ten pounds and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound. Provided that an indicator shall not be deemed false if it complies with the requirements of this section.

(3) If anyone engaged as a worker in a factory, having received any such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine (b) not exceeding ten pounds.

(4) If anyone, for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged in a factory to disclose any such particulars or with that object pays or rewards any such person or causes any such person to be paid or rewarded for disclosing any such particulars, he shall be liable to a fine (b) not exceeding ten pounds.

(5) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of non-textile factories or to any class of workshops, may, if he thinks fit, by Special Order (d), apply the provisions of this section to any such class, subject to such modifications as may, in his opinion,

be necessary for adapting those provisions to the circumstances of the case. He may also, by any such order, apply those provisions, subject to such modifications as may, in his opinion, be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of this Act relating to out-workers (c) and to the employers of those persons.

This section does not apply to men's workshops (s. 157, *post*, p. 198).

(a) If the particulars supplied by the employer are incorrect, it is no defence to show that the workman could easily have ascertained their falsity (*Nussey v. Birtwhistle* (1894), 58 J. P. 735).

(b) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

(c) **Outworkers.**—See ss. 107—116, *ante*.

(d) **Special Orders.**—By ORDER DATED SEPTEMBER 2ND, 1898, the provisions of the section were extended without modification to the class of workshops in which is carried on the preparing, manufacturing or finishing or any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china grass, cocoanut fibre, or other like material either separately or mixed together or mixed with any other material or any fabric made thereof : provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works and hat works shall not be included.

Also by ORDER DATED JULY 12TH, 1900, the provisions of the section were extended to factories and workshops in which is carried on the making of pens with the following modifications :

The said section shall be modified so as to read as follows :

(1) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

- (a) He shall furnish every worker with particulars of the rate of wages applicable to the work to be done either
 - (i) by handing him a written or printed statement of such particulars when the work is given out to him ; or
 - (ii) by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible.

- (b) Such particulars of the work to be done as affect the amount of wages payable to each worker shall be furnished to him in writing at the time when the work is given out to him.
- (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.
- (2) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

Also by ORDER DATED JULY 14TH, 1902, the provisions of the section were extended to factories and workshops in which is carried on any of the following classes of work :

Making of iron and steel cables and chains ;

Making of iron and steel anchors and grapnels ;

Making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds ;

and to out-workers employed in those classes of work, and to the occupiers or contractors by whom they are employed, with the following modifications :

The said section shall be modified so as to read as follows :

- (1) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :
 - (a) He shall furnish every worker with particulars of the rate of wages applicable to the work to be done by him, either
 - (i) by handing him a written or printed statement of such particulars when the work is given out to him ; or
 - (ii) by supplying him with such particulars in print or in writing at the time of his employment, and on every subsequent occasion when the rates are fixed or altered ; or
 - (iii) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory

or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

- (b) Such particulars of the work to be done or which has been done by each worker as affect the amount of wages payable to him shall be furnished to him in writing, either at the time when the work is given out to him or when it is brought in by him. If he is required to return such written particulars to the occupier or to any other person, a copy thereof shall be furnished to him, which he may retain for his own use.
- (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.
- (2) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3) If anyone engaged as a worker in any of the aforesaid classes of work, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

Also by ORDER DATED JULY 14TH, 1902, to factories and workshops in which is carried on the making of—

Locks,
Latches,
Keys,

and to out-workers employed in the making of locks, latches, and keys, and the occupiers or contractors by whom they are employed, with the following modifications :

The said section shall be modified so as to read as follows :

- (1) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his

work, cause to be published particulars of the rate of wages applicable to the work to be done, as follows :

- (a) The particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him in writing at the time when the work is given out to him, or, in the case of persons employed in a factory or workshop, shall be exhibited in the room in which he is employed on a placard not containing any other matter than the particulars of the rates of wages of persons employed in that room, and posted in a position where it is easily legible by all persons affected thereby.
- (b) Such particulars shall not be expressed by means of symbols.
- (2) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3) If anyone engaged as a worker in the making of locks, latches, and keys, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

Also by ORDER DATED JANUARY 5TH, 1903, to factories and workshops in which wholesale tailoring is carried on, and to out-workers employed in wholesale tailoring and the occupiers and contractors by whom they are employed, with the following modifications :

The said section shall be modified so as to read as follows :

- (1) The occupier or contractor shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

- (a) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either
 - (i) by handing him a written or printed statement of such particulars when the work is given out to him ; or
 - (ii) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.
- (b) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.
- (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.
- (2) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3) If anyone engaged as a worker in wholesale tailoring having received such particulars whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

The foregoing provisions shall not apply to any work carried on in the factories and workshops mentioned in this Order other than wholesale tailoring.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

Also, by ORDER DATED APRIL 22ND, 1903, to factories and workshops in which is carried on the following class of work—

Making of felt hats,
and to out-workers employed in that class of work, and to the occupiers or contractors by whom they are employed, with the following modifications :

The said section shall be modified so as to read as follows :

- (1) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the

total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

- (a) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him,
 - (i) by handing him a written or printed statement of such particulars when the work is given out to him ; or
 - (ii) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.
- (b) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.
- (2) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3) If anyone engaged as a worker in any of the aforesaid classes of work, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

In this Order, the term “out-worker” means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

Also by ORDER DATED DECEMBER 17TH, 1903, the provisions of the section were, with modifications, extended to factories and workshops in which the under-mentioned processes, or any of them, are carried on, and to out-workers employed in those processes and the occupiers and contractors by whom they are employed—

The making, altering, ornamenting, finishing, and repairing of wearing apparel other than boots and shoes ; and any work incidental thereto.

Provided that this Order shall not apply to any work to which either of the following Orders applies, namely, the Wholesale Tailoring Particulars Order dated January 5th, 1903, and the Felt Hat Particulars Order, dated April 22nd, 1903.

The said section shall be modified so as to read as follows:

- (1) The occupier or contractor shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :
 - (a) He shall furnish every worker with particulars of the rate of wages applicable to the work to be done by him either,
 - (i) by furnishing him with a written or printed statement of such particulars when the work is given out to him ; or
 - (ii) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.
 - (b) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.
 - (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.
- (2) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3) If anyone engaged as a worker in any of the processes aforesaid having received such particulars whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or

by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

Also by ORDER DATED MAY 23RD, 1907, the provisions of the section were, with modifications, extended to non-textile factories and workshops in which any of the industries mentioned in the Schedule is carried on, and to out-workers employed in those industries and the occupiers and contractors by whom they are employed.

The said section shall be modified so as to read as follows :

(1) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

- (a) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him either—
 - (i) by handing to him such particulars in writing when the work is given out to him ; or
 - (ii) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rate of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.
- (b) Such particulars of the work given out to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.
- (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(2) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3) If anyone engaged as a worker in any of the industries mentioned in the Schedule, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4) If anyone, for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

In this Order the term “out-worker” means any person employed in the business of a factory or workshop outside the

factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

SCHEDULE.

The making of boots and shoes ;
The making or repairing of umbrellas, sunshades, parasols or parts thereof ;
The making of artificial flowers ;
Fustian cutting ;
The making of tents ;
The making or repairing of sacks ;
The making of rope or twine ;
The covering of racquet or tennis balls ;
The making of paper bags ;
The making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material ;
The making of brushes ;
Relief stamping ;
Warehouse processes in the manufacture of articles of food, drugs, perfumes, blacking or other boot and shoe dressings, starch, blue, soda, or soap ;
And any processes incidental to the above.

Also by ORDER DATED MAY 23RD, 1907, the provisions of the section were, with modifications, extended to non-textile factories and workshops in which any of the industries mentioned in the Schedule is carried on, and to out-workers employed in those industries and the occupiers and contractors by whom they are employed.

The said section shall be modified so as to read as follows :

(1) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

(a) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him either—

(i) by handing to him such particulars in writing when the work is given out to him ; or

(ii) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rate of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

(b) Such particulars of the work given out to be done by each worker as affect the amount of wages payable to him shall

be furnished to him in writing at the time when the work is given out to him ; provided that where, owing to the nature of the work, any of the said particulars are not ascertainable until the work is completed, those particulars may be furnished in writing when the work is completed.

(c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(2) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3) If anyone engaged as a worker in any of the industries mentioned in the Schedule, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4) If anyone, for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

SCHEDULE.

The making of nets other than wire nets ;

Pea-picking ;

And any processes incidental to the above.

Also by ORDER DATED SEPTEMBER 23RD, 1907, the provisions of the section were, with modifications, extended to factories and workshops in which the under-mentioned processes or any of them are carried on, and to out-workers employed in those processes, and the occupiers or contractors by whom they are employed :

The mixing, casting, and manufacture of brass and of any articles or parts of articles of brass and the electro depositing of brass (including in the term brass any alloy or compound of copper with zinc or tin), except when carried on as a subsidiary process in shipbuilding yards or in marine locomotive or other engine building works, or in general engineering works, or in machine tool works.

The said section shall be modified so as to read as follows :

(1) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total

amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :—

- (a) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either
 - (i) by handing him such particulars, in writing, when the work is given out to him ; or
 - (ii) by supplying him with such particulars in writing at the time of his employment, and on every subsequent occasion when the rates are fixed or altered ; or
 - (iii) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

Provided that if in any case the work given out is of a novel kind for which no rate of wages has been fixed, and if the employer and workman for the purpose of arriving at a rate for the work so agree, it shall not be necessary for particulars of the rate of wages to be furnished when the work is given out provided such particulars are furnished to the worker when the work is completed.

- (b) Such particulars of the work given out to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.
 - (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols ; but this shall not prevent the occupier or contractor from describing any work which is of a standard kind known to the persons employed by a particular number, letter, or name, by means of such number, letter, or name.
- (2) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
 - (3) If anyone engaged as a worker in any of the aforesaid classes of work, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

- (4) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

117. *Inspection of weights and measures used in ascertaining wages.*]—Every Act for the time being in force relating to weights and measures (*a*) shall extend to weights, measures, scales, balances, steelyards and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods and as if the factory or workshop were a place where goods are kept for sale, and every such Act shall apply accordingly, and every inspector of, or other person authorised to inspect or examine, weights and measures, shall inspect, stamp, mark, search for and examine the said weights and measures, scales, balances, steelyards and weighing machines accordingly and for that purpose shall have the same powers and duties as he has in relation to weights, measures, scales, balances, steelyards and weighing machines used in the sale of goods.

(*a*) **Weights and Measures.**—The Acts which regulate the inspection of weights and measures specially apply to weights, etc., used in buying and selling. This section extends the operation of those Acts to weights and measures used in factories for ascertaining or checking wages. See Weights and Measures Acts, 1878 to 1893.

PART VIII.

ADMINISTRATION.

(i) INSPECTION.

118. *Appointment and duties of inspectors and clerks and servants.*]—(1) The Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title (*a*))

he may from time to time fix) and such clerks and servants as he thinks necessary for the execution of this Act and may assign to them their duties and award them their salaries and may appoint a chief inspector with an office in London and may regulate the cases and manner in which the inspectors or any of them are to execute and perform the powers and duties of inspectors under this Act and may remove such inspectors, clerks and servants.

(2) In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

(3) Notice of the appointment of every inspector shall be published in the London Gazette.

(4) The salaries of the inspectors, clerks and servants and the expenses incurred by them or by the Secretary of State in the execution of this Act shall be paid out of moneys provided by Parliament.

(5) A person who is the occupier of a factory or workshop or is directly or indirectly interested therein or in any process or business carried on therein or in a patent connected therewith or is employed in or about a factory or workshop shall not act as an inspector.

(6) An inspector shall not be liable to serve in any parochial or municipal office.

(7) Such annual report of the proceedings of the inspectors as the Secretary of State directs shall be laid before both Houses of Parliament.

(8) A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector (*b*) as a Secretary of State directs, by declaration published in the London Gazette or otherwise as he thinks expedient for making the same known to all persons interested.

(a) **Titles.**—The titles fixed by the Secretary of State are :

His Majesty's chief inspector of factories and workshops.

His Majesty's superintending inspectors of factories and workshops.

His Majesty's inspectors of factories and workshops.

His Majesty's inspectors' assistants.

The address of the chief inspector is Home Office, Whitehall.—
London Gazette, December 24th, 1878.

(b) **Such Inspector.**—It should be noted that the notices mentioned in s. 60, *ante*, p. 79, ss. 127 and 133, *post*, pp. 164 and 170, and the Notice of Accidents Act, 1906, *post*, p. 239, are expressly required to be given to the inspector for the district, and the notice mentioned in s. 93, *ante*, p. 109, must be given to the chief inspector, also the return mentioned in s. 130, *post*, p. 167.

119. Powers of inspectors.]—(1) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things (*a*) ; namely,—

- (a) To enter, inspect and examine at all reasonable times, by day and night (*b*), a factory (*c*) and a workshop and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop ; and
- (b) To take with him in either case a constable into a factory (*c*) or workshop in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty ; and
- (c) To require the production of the registers, certificates, notices and documents kept in pursuance of this Act and to inspect, examine and copy the same ; and
- (d) To make such examination and inquiry (*d*) as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein ; and
- (e) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated ; and
- (f) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory (*c*) or workshop or such a school as aforesaid or whom he has reasonable cause to believe to be or to have been, within the preceding two months, employed in a factory (*c*) or workshop and to require every

such person to be so examined and to sign a declaration (*e*) of the truth of the matters respecting which he is so examined ; and

(*g*) To exercise such other powers (*f*) as may be necessary for carrying this Act into effect.

(2) The occupier of every factory (*c*) and workshop, his agents and servants shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry or the exercise of his powers under this Act in relation to that factory or workshop.

(3) If any person wilfully delays an inspector in the exercise of any power under this section or fails to comply with the requisition of an inspector in pursuance of this section or to produce any certificate or document which he is required by or in pursuance of this Act to produce or conceals or prevents or attempts to conceal or prevent a woman, young person or child from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act :

Provided that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

(4) Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine (*g*) not exceeding five pounds ; and where an inspector is so obstructed in a factory or workshop, other than a domestic factory or a domestic workshop, the occupier of that factory or workshop shall be liable to a fine (*g*) not exceeding five, or where the offence is committed at night (*b*) twenty, pounds ; and, where an inspector is so obstructed in a domestic factory or a domestic workshop, the occupier shall be liable to a fine (*g*) not exceeding one pound or, where the offence is committed at night, five pounds ; and, in the case of a second or subsequent conviction under this section in relation to a factory within two years from the last conviction for the same offence, a fine (*g*) not less than one pound shall be imposed for each offence.

(*a*) **Powers of Inspectors.**—An inspector's powers of entry may be summarised as follows : He may enter by day or night a factory or a workshop where he believes any person to be employed, and may enter by day any place he may believe to be

a factory or workshop. He may also enter a school in which he believes that children employed in a factory or workshop are being educated, and he may make examinations and require declarations in a workshop, factory, or school. He cannot take a constable with him into a factory or workshop, unless he apprehend serious obstruction; while, on the other hand, he can take with him into a factory or workshop the medical officer of health, inspector of nuisances, or other officer of the district council. See s. 5 (2), *ante*, p. 16. He is further required to enforce the observance of the Elementary Education Acts by employers. See Appendix, *post*, p. 375.

The following additional powers have been given to the inspectors :

(a) To administer the provisions of the Truck Acts in factories and workshops. See s. 13 of the Truck Act, 1887, *post*, p. 354.

(b) To secure the observance in factories and workshops of s. 3 of the Employment of Children Act, 1903. See s. 9 of that Act, *post*, pp. 368, 369.

(c) To inspect the laundries, etc., of certain institutions, although they are not in law either factories or workshops. See s. 6 of the Act of 1907, *post*, p. 235.

(b) **Night**.—For definition, see s. 156, *post*, p. 196.

(c) **Factory**.—Including docks, etc., buildings and railways. See ss. 104—106, *ante*. But in the case of laundries of certain reformatory institutions the inspector's powers are restricted by s. 5 (2) (d) of the Act of 1907, *post*, p. 234.

(d) **Inquiries**.—These need not be made at the factory or workshop or other place to which the Act applies. See *Squire v. Sweeney* (1900), 34 Ir. L. T. 26.

(e) **Declaration**.—For penalty for making a false declaration, see s. 139, *post*, p. 178.

(f) **Other Powers**.—By s. 120, *infra*, an inspector is given, if authorised in writing under the hand of the Secretary of State, power to conduct proceedings before a magistrate, although he is not a barrister, solicitor, or law agent. This has always been the practice.

(g) **Fine**.—Recoverable summarily. See s. 144, *post*, p. 180.

120. *Right of inspector to conduct proceedings before magistrates.*—An inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not a counsel or solicitor or law agent, prosecute, conduct or defend before a court of summary jurisdiction or justice any information, complaint or other proceeding arising under this Act or in the discharge of his duty as inspector.

121. *Certificate of appointment of inspector.*—Every inspector shall be furnished with the prescribed certificate

of his appointment and, on applying for admission to a factory or workshop, shall, if so required, produce the said certificate to the occupier.

(ii) CERTIFYING SURGEONS.

122. *Appointment and duties of certifying surgeons.*—

(1) Subject to such regulations as may be made by the Secretary of State, an inspector may appoint (a) a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act and may revoke any such appointment.

(2) Every appointment and revocation of appointment of a certifying surgeon may be annulled by the Secretary of State upon appeal to him for that purpose.

(3) A surgeon who is the occupier of a factory or workshop or is directly or indirectly interested therein or in any process or business carried on therein or in a patent connected therewith shall not be a certifying surgeon for that factory or workshop.

(4) The Secretary of State may make rules for the guidance of certifying surgeons and for the particulars to be registered respecting their visits and for the forms of certificates and other documents to be used by them.

(5) Every certifying surgeon shall, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child.

(6) Every certifying surgeon shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year and the results of the inspection.

(a) **Appointments.**—These are made by the chief inspector.

123. *When poor law medical officer is to act as certifying surgeon.*—Where there is no certifying surgeon for a factory or workshop, the poor law medical officer for the district in which the factory or workshop is situate shall act for the time being as the certifying surgeon for that factory or workshop.

This section formerly applied only when there was no certifying surgeon resident within three miles of the factory or workshop. The provision obviates the necessity for creating appointments in places where there are only one or two factories.

In the case of certain charitable institutions the medical officer of the institution is to be the certifying surgeon. See s. 5 (2) (b) of the Act of 1907, *post*, p. 234.

124. *Fees of certifying surgeons.*]—(1) The fees to be paid to a certifying surgeon in respect of the examination of, and grant of certificates of fitness for employment for, young persons and children shall be regulated as follows :

- (a) The occupier of the factory may agree with the certifying surgeon as to the amount of the fees ;
- (b) In the absence of agreement, the fees shall be in accordance with the scale set forth in Part I. of the Fifth Schedule to this Act (*a*) or with such scale as may be substituted therefor by the Secretary of State (*b*) ;
- (c) The occupier shall pay the fees on the completion of the examination or, if any certificates are granted, at the time at which the surgeon signs the certificates or at any other time directed by an inspector ;

(2) The fees to be paid to a certifying surgeon in cases where, in pursuance of a direction of the Secretary of State or of regulations made under this Act, he is required to examine the persons employed in a factory or workshop shall be in accordance with the scale set forth in Part II. of the Fifth Schedule to this Act (*c*) or with such scale as may be substituted therefor by the Secretary of State (*b*). Such fees shall, where the examination is in pursuance of a direction of the Secretary of State, be paid by the Secretary of State and, where the examination is in pursuance of regulations, be paid by the occupier of the factory or workshop.

(3) The fee to be paid to a certifying surgeon for the investigation of an accident in pursuance of this Act shall be such sum, not more than ten nor less than three shillings, as the Secretary of State may prescribe (*d*), and shall be paid by the Secretary of State as expenses incurred in the execution of this Act.

(a) *Post*, p. 214.

(b) **Substituted Scale.**—No Order is at present (January, 1909) in force under sub-s. (1). For an Order under sub-s. (2), see the notes to Sched. 5, Part II., *post*, p. 215.

(c) *Post*, p. 214.

(d) **Scale of Fees.**—The following is the scale of fees fixed by the Secretary of State :

For the examinations and report on any accident which do not require the surgeon to travel a greater distance than one mile ; a fee of three shillings.

For the examinations and report on any accident which may require the surgeon to travel more than one mile, and not more than two miles ; four shillings.

For the examinations and report on any accident which may require the surgeon to travel more than two, and not more than three miles ; five shillings.

And in addition for every half mile beyond three miles ; sixpence.

But no fee shall exceed the sum of ten shillings.

(iii) LOCAL AUTHORITIES.

125. *Powers of local authorities and their officers.*]—For the purpose of their duties with respect to workshops and workplaces under this Act and under the law relating to public health, the district council and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings or otherwise as an inspector (a) under this Act.

(a) **Powers of Inspectors.**—See s. 119, *ante*, p. 158.

(iv) SPECIAL ORDERS.

126. *Provisions as to Special Orders of Secretary of State.*]—The following provisions shall apply to such orders made by the Secretary of State in pursuance of this Act as are in this Act referred to as Special Orders :

- (1) The order shall be under the hand of the Secretary of State and shall be published in such manner as the Secretary of State thinks best adapted for the information of all persons concerned and shall come into operation at the date of its publication or at any later date mentioned in the order :
- (2) The order may be temporary or permanent, conditional or unconditional and, whether granting or extending an exception or prohibition or directing the adoption of any special means

or provision or rescinding a previous order or effecting any other thing, may do so either wholly or partly :

- (3) The order shall be laid as soon as may be before both Houses of Parliament and, if either House of Parliament, within the next forty days after the order has been so laid before that House, resolves that the order ought to be annulled, it shall, after the date of that resolution, be of no effect, without prejudice to the validity of anything done in the meantime under the order or to the making of a new order :
- (4) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the making of the order.

(v) NOTICES, REGISTERS AND RETURNS.

127. *Notice of occupation of factory or workshop.*—

(1) Every person shall, within one month after he begins to occupy a factory or workshop, serve on the inspector for the district a written notice containing the name of the factory or workshop, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein and the name of the person or firm under which the business of the factory or workshop is to be carried on.

(2) In the event of a contravention of this section by the occupier of a factory or workshop, he shall be liable to a fine (a) not exceeding five pounds.

(3) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the district council of the district in which the workshop is situate.

(a) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

128. *Affixing of abstract* and notices.*—(1) There shall be affixed at the entrance of every factory and workshop and in such other parts thereof as an inspector for the time being directs and be constantly kept so affixed in the

prescribed form and in such position as to be easily read by the persons employed in the factory or workshop—

- (a) The prescribed abstract (*a*) of this Act ; and
- (b) A notice of the name and address of the prescribed inspector ; and
- (c) A notice of the name and address of the certifying surgeon for the district ; and
- (d) A notice of the clock (*b*) (if any) by which the period of employment and times for meals in the factory or workshop are regulated ; and
- (e) Every notice and document required by this Act to be affixed in the factory or workshop (*a*).

(2) In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine (*c*) not exceeding forty shillings.

This section applies with certain modifications to tenement factories (s. 87, *ante*, p. 105), but not to domestic factories or workshops (s. 111, *ante*, p. 139), or to men's workshops (s. 157, *post*, p. 198), or to the laundries of certain charitable institutions (s. 5-(2) (*c*) of the Act of 1907, *post*, p. 234).

(*a*) **List of Abstracts and Notices.**—See pp. 322—326, *post*.

(*b*) **Clock.**—See s. 32 (4), *ante*, p. 51.

(*c*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

129. General registers.]—(1) In every factory and workshop there shall be kept a register, called the general register, showing in the prescribed form the prescribed particulars as to—

- (a) the children and young persons employed in the factory or workshop (*a*) ; and
- (b) the lime-washing of the factory or workshop (*b*) ; and
- (c) every accident occurring in the factory or workshop of which notice is required to be sent to an inspector (*c*) ; and
- (d) every special exception of which the occupier of the factory or workshop avails himself (*d*) ; and
- (e) such other matters as may be prescribed (*e*).

(2) Where any entry is required by this Act to be made in the general register, the entry made by the

occupier of a factory or workshop or on his behalf shall, as against him, be admissible as *primâ facie* evidence of the facts therein stated, and the failure to make any entry so required with respect to the observance of any provision of this Act shall be admissible as *primâ facie* evidence that that provision has not been observed.

(3) The register shall at all reasonable times be open to inspection by the certifying surgeon of the district.

(4) The occupier of a factory or workshop shall send to an inspector such extracts from the general register as the inspector from time to time requires for the execution of his duties under this Act.

(5) If in any factory or workshop any requirement of this section is not complied with, the occupier shall be liable to a fine (*f*) not exceeding five pounds.

Formerly two registers had to be kept, (1) a register of young persons and children and certain other matters, which was only required in certain factories and workshops (s. 77 of the Act of 1878); and (2) a register of accidents, which had to be kept in all factories and workshops (s. 20 of the Act of 1895). Now a new register, called the general register, which includes all matters under the Act is substituted. It must be kept in every factory and workshop, except domestic factories and workshops (s. 111, *ante*, p. 138), docks, etc., buildings and railways (ss. 104—106, *ante*), and men's workshops (s. 157, *post*, p. 198).

(a) **Employment.**—See Part II. of this Act, ss. 23—67, *ante*.

(b) **Limewashing.**—See ss. 1, 94, 99, *ante*.

(c) **Accidents.**—See s. 4 of the Notice of Accidents Act, 1906, *post*, p. 239, which is substituted for s. 19 of this Act.

(d) **Special Exceptions.**—See ss. 36—48, *ante*.

(e) **Other Matters.**—See ss. 11 (3) (report of examination of boiler), *ante*, p. 25; 31 (4) (employment in factory and shop on same day), *ante*, p. 50; 60 (4) (employment in pursuance of special exception), *ante*, p. 80.

In the case of certain laundries, a number of additional particulars are required. See ss. 2 (2) and 5 (2) (c) of the Act of 1907, *post*, pp. 231, 234.

(f) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

130. *Periodical return of persons employed.*—(1) The occupier of every factory or workshop shall, on or before

such days as the Secretary of State may direct (*b*), at intervals of not less than one nor more than three years, send to the Chief Inspector of Factories a correct return specifying, with respect to such day or days or such period as the Secretary of State may direct (*b*), the number of persons employed in the factory or workshop, with such particulars as to the age, sex and occupation of the persons employed as the Secretary of State may direct (*b*) and, in default of complying with this section, shall be liable to a fine (*a*) not exceeding ten pounds.

(2) The occupier of any place to which any of the provisions of this Act apply shall, if so required by the Secretary of State, make to the Chief Inspector of Factories a like return as is required to be made by this section and shall be liable to a like fine (*a*) for default in compliance with the requirement.

In the case of the laundries of certain charitable institutions, the particulars are required by s. 5 (2) (e) of the Act of 1907, *post*, p. 235, to be given annually.

Further powers are given to the Secretary of State by the Census of Production Act, 1906. See ss. 5 and 10 of that Act, *post*, p. 370.

(*a*) **Fine.**—Recoverable summarily. See s. 144, *post*.

(*b*) **Orders.**—By Order dated October 21st, 1907, the Secretary of State directed that the occupier of every factory, workshop and laundry should on or before March 1st, 1908, send to the Chief Inspector of Factories a correct return specifying with respect to the period from January 1st to December 31st, 1908, the number of persons employed in the factory, workshop or laundry with the particulars as to age, sex or occupation which are shown in Sched. I. (p. 168); and that the occupier of every factory where china or earthenware is manufactured and where special Rules are in force should, on or before March 1st, 1908, make an additional return specifying for the same period the number of persons employed in the factory in every process involving exposure to lead with the particulars as to age, sex and occupation in Sched. II. (p. 169).

SECOND SCHEDULE.

ADDITIONAL PARTICULARS to be returned by Occupiers of China and Earthenware Factories under Special Rules.

NUMBER, AGE, AND SEX OF PERSONS EMPLOYED IN PROCESSES INVOLVING EXPOSURE TO LEAD.

PROCESS.	Age	CHINA.			EARTHEN-WARE.		TILES.		MAJOLICA.		JET AND ROCKINGHAM.		CHINA FURNITURE.		SANITARY WARE.	
		Under 18.	M.	F.	Under 18.	Over 18.	Under 18.	Over 18.	Under 18.	Over 18.	Under 18.	Over 18.	Under 18.	Over 18.	Under 18.	Over 18.
	Sex	M.	F.	M.	F.	M.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Dippers -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dippers' Assistants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ware Cleaners	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Glost Placers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Majolica Painters	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ground Layers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Colour Dusters	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Enamel Colour Blowers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Glaze Blowers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Litho Dusters	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Colour Makers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Millers and Mixers of Glaze or Colour -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other persons coming into contact with lead -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Signature

Date

131. *Registers of workshops.*—Every district council shall keep a register of all workshops situate within their district.

132. *Report of medical officer of health on administration of Act.*—The medical officer of health of every district council shall, in his annual report to them, report specifically on the administration of this Act in workshops and workplaces, and he shall send a copy of his annual report or so much of it as deals with this subject to the Secretary of State.

MISCELLANEOUS PROVISIONS.

133. *Notice by medical officer of health of employment of woman, young person or child in workshops.*—Where any woman, young person or child is employed in a workshop in which no abstract of this Act (a) is affixed as by this Act required, and the medical officer of the district council becomes aware thereof, he shall forthwith give written notice thereof to the inspector for the district.

A similar provision will be found in the Public Health (London) Act, 1891, s. 27. See Appendix, *post*, p. 374.

(a) **Abstract.**—See s. 128, *supra*, p. 164.

134. *Certificate of birth in case of young persons under sixteen and children.*—Where the age of any young person under the age of sixteen years or child is required to be ascertained or proved for the purposes of this Act or for any purpose connected with the employment in labour or elementary education of the young person or child, any person shall, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board (a) and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that young person or child; and such form of requisition shall, on request, be supplied without charge by every superintendent registrar and registrar of births, deaths and marriages.

(a) **Prescribed Forms.**—England and Wales. (Order dated December 23rd, 1901.)

THE FACTORY AND WORKSHOP ACT, 1901.

REQUISITION for a Certified Copy of an Entry of Birth for the purposes of the above-mentioned Act, or for any purpose connected with the employment in labour or elementary education of a young person under the age of sixteen years or of a child.

To the Superintendent Registrar or Registrar of Births and Deaths having the custody of the Register in which the Birth of the under-mentioned Young Person or Child is registered:

I, the undersigned, hereby demand, for the purposes above mentioned, or some or one of them, a Certificate of the Birth of the Young Person or Child named in the subjoined Schedule.

Christian Name and Surname of the Young Person or Child of whose Age a Certificate is required.	Names of the Parents of such Young Person or Child.		Where such Young Person or Child was Born.	In what year such Young Person or Child was Born.
	Father.	Mother.		

Dated this day of , 19 .
Signature . *Address* . *Occupation*

Scotland. (Order dated February 14th, 1902.)

THE FACTORY AND WORKSHOP ACT, 1901.

REQUISITION for an Extract under the hand of the Registrar of an Entry of Birth for the purposes of the above Act, or for any purpose connected with the employment in labour or elementary education of a child or young person under the age of sixteen years.

To the Registrar having the custody of the Register in which the Birth of the undermentioned Child or Young Person is registered:

I, the undersigned, hereby demand, for the purposes above mentioned, or some or one of them, an extract under your hand of the Entry of the Birth of the Child or Young Person named in the subjoined Schedule.

Christian Name and Surname of the Child or Young Person of whose Age a Certificate is required.	Names of the Parents of such Child or Young Person.		Where such Child or Young Person was Born.	When such Child or Young Person was Born.
	Father.	Mother.		

Dated this day of , 19 .
Signature . *Address* . *Occupation* .

one pound for every day on which the non-compliance continues.

This section is applicable to breach of the following provisions :

- sanitary conditions (s. 1) ;
- temperature (s. 6) ;
- ventilation (s. 7) ;
- drainage of floors (s. 8) ;
- sanitary conveniences (s. 9) ;
- fencing machinery (s. 10) ;
- boilers (s. 11) ;
- self-acting machines (s. 12) ;
- means of escape from fire (ss. 14, 16) ;
- ventilation by fan (s. 74) ;
- lavatories and meals in dangerous trades (s. 75) ;
- employment in wet-spinning (s. 76) ;
- grinding in tenement factory (s. 88) ;
- limewashing of bakehouses (s. 99) ;
- underground bakehouses (s. 101) ;
- laundries (s. 3 of the Act of 1907).

(a) **Occupier** includes in certain cases the owner or hirer of a machine. See s. 142, *post*, p. 180. In the case of tenement factories the owner is for most purposes substituted for the occupier, and is therefore the person liable under this section. See ss. 11 (6) (*ante*, p. 25), 14 (7) (*ante*, p. 29), and 87 (*ante*, p. 104).

The occupier is liable under this section (at any rate in England) although the offence was committed without his knowledge, and he did all in his power to carry out the Act, unless he takes steps under s. 141 to bring the actual offender to justice. See the notes to ss. 137 and 152, *post*, pp. 177, 195, and the cases there cited.

(b) **Fine**.—Recoverable summarily. See s. 144, *post*, p. 180.

136. *Fines in case of death or injury.*—If any person is killed or dies or suffers any bodily injury or injury to health, in consequence of the occupier of a factory or workshop having neglected to observe any provision of this Act or any regulation made in pursuance of this Act, the occupier (a) of the factory or workshop shall be liable (b) to a fine (c) not exceeding one hundred pounds and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence ; and the whole or any part of the fine may be applied for the benefit of the injured person (d) or his family or otherwise, as the Secretary of State determines :

Provided as follows :

- (a) In the case of injury to health the occupier shall not be liable under this section, unless the injury was caused directly by the neglect :
- (b) The occupier shall not be liable to fine under this section if an information against him for not observing the provision or regulation to the breach of which the death or injury was attributable has been heard and dismissed previous to the time when the death or injury was inflicted.

It shall be observed that this section and the preceding one create two entirely separate offences. The offence under this section is not the mere neglect to observe a provision of the Act, but the fact that some person is injured in consequence of such neglect. Thus in *R. v. Taylor*, [1908] 2 K. B. 237 ; 72 J. P. 238 ; 77 L. J. K. B. 531 ; 98 L. T. 754, certain machinery in a factory was unfenced, contrary to s. 10. On January 21st knowledge of this came to the inspector. On July 31st a person was injured owing to the lack of fencing. On October 24th an information was laid, charging that an offence against s. 136 had been committed on July 31st. The magistrate considered that the offence was complete on January 21st, and dismissed the information because it had not been laid within three months of that date (see s. 146 (1), *post*, p. 181), but Lord ALVERSTONE, C.J., RIDLEY and DARLING, JJ., held that the offences created by ss. 135 and 136 are distinct, that the offence charged was not committed till July 31st, and that the information was therefore in time.

(a) **Occupier.**—By s. 87 (*ante*, p. 104), s. 11 (6) (*ante*, p. 25), and s. 14 (7) (*ante*, p. 29), the liability is transferred from the occupier to the owner in the case of tenement factories. Note also that the word “occupier” includes in certain cases the owner or hirer of a machine (s. 142, *post*, p. 180).

The occupier is liable although the injury was caused through no default of his own. See the notes to ss. 135 (*ante*), 137, and 152 (*post*, pp. 177, 195).

(b) **Contributory Negligence.**—The fact that the person injured has been guilty of contributory negligence is no defence to a prosecution under this section. See *Blenkinsop v. Ogden*, [1898] 1 Q. B. 783 ; 67 L. J. Q. B. 537 ; 78 L. T. 554 ; 46 W. R. 542, in which it was held that where an injury was caused to a worker by an unfenced machine, the employer was liable to a fine under this section for not fencing the machine, notwithstanding the fact that the injury was proximately caused through carelessness and wilful disobedience to the foreman’s orders on the part of the injured person.

(c) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

(d) Compensation to Injured Workman—

(i) *Under Employers' Liability Act.*—Besides the remedy of penal compensation under the Factory Acts, a workman has a right of action against his employer, in certain circumstances, under the Employers' Liability Act, 1880, but the effect of the provisions of s. 5 of that Act is, that any sum paid by way of compensation to a workman under the section of the Factory Act of 1878 which corresponds to this section, must be deducted from the sum awarded to him as damages in an action in respect of the same injury under the Employers' Liability Act, while, if he has not actually received any money by way of compensation under the above section by the time he commences his action under the Employers' Liability Act, the fact that an action has been so commenced disentitles him from thereafter receiving any sum by way of compensation under the above section, whether such action is ultimately successful or not. In other words, by commencing an action under the Employers' Liability Act, he bars himself from any compensation under the Factory Acts, unless he has already been in fact paid something by way of compensation. If he has, it goes in reduction of any damages he may ultimately recover.

(ii) *Under Workmen's Compensation Act.*—A further right to compensation is given, in certain circumstances, to a workman for personal injury by accident arising out of and in the course of his employment by the Workmen's Compensation Act. The Act of 1906 contains a provision (s. 1 (5)) that, "Nothing in this Act shall affect any proceeding for a fine under the enactments relating to mines, factories, or workshops, or the application of any such fine." On the face of it there seems to be nothing to prevent a workman getting compensation twice over, under this section and under the Workmen's Compensation Act. But it may, at the same time, be assumed that if a workman recovered full compensation under the Workmen's Compensation Act, the Secretary of State would not be likely to award him any further compensation under the Factory Acts.

(iii) *At common law.*—The occupier of a factory who omits to fence dangerous machinery, or to provide and maintain proper appliances of every description, is also guilty of negligence, and a common law action for damages will lie against him at the suit of a workman injured. See *Caswell v. Worth* (1856), 5 El. & Bl. 849 ; 25 L. J. Q. B. 121 ; 4 W. R. 231 ; 2 Jur. (N.S.) 116 ; *Gibb v. Crombie* (1875), 2 Rettie, 886 ; *Smith v. Baker*, [1891] A. C. 325 ; 55 J. P. 660 ; 65 L. T. 467 ; 40 W. R. 392 ; and *Groves v. Lord Wimborne*, [1898] 2 Q. B. 402 ; 67 L. J. Q. B. 862 ; 79 L. T. 284 ; 47 W. R. 89, and the same principle seems to apply to every case where a workman has suffered personal injury in consequence of a breach by the master of any of his duties under the Act. In *Groves v. Lord Wimborne* it was further held that the defence of common employment (*i.e.*, that the actual cause of the injury was the negligence of a fellow servant) is not applicable in a case

where there has been a breach of an absolute duty imposed by the Act upon the master. In England, contributory negligence will afford a good defence to such an action (*Caswell v. Worth*, *supra*), but it is not clear how far this is so in Scotland, for in *Pringle v. Grosvenor* (1894), 21 Rettie, 532, it was held that contributory negligence is no defence if it be shown that the accident could not have happened if the machinery had been fenced, and in *Kelly v. Glebe Sugar Refining Co.* (1893), 30 W.R. 758 ; 20 Rettie, 833, an injured workman recovered damages although he was not actually at work, and had no business to be near the machinery at all.

Further, in *Grizzle v. Frost* (1863), 3 F. & F. 622, COCKBURN, C.J., held that owners of dangerous machinery who employ young persons about it are bound at common law to give them due instruction in the proper use of the machinery, and that failure to do so will give rise to an action for negligence.

But the common law remedy, although there is no limit to the amount of damages recoverable under it, is now of little importance, since that provided by the Workmen's Compensation Act is easier, cheaper, and more expeditious.

137. *Fine for employing persons contrary to Act.*—

(1) Where any person is employed in a factory or workshop, other than a domestic factory or a domestic workshop, contrary to the provisions of this Act, the occupier (*a*) of the factory or workshop shall be liable to a fine (*b*) not exceeding three, or if the offence was committed during the night five, pounds for each person so employed and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence ; and, where any person is so employed in a domestic factory or a domestic workshop, the occupier (*a*) shall be liable to a fine (*b*) not exceeding one, or if the offence was committed during the night two, pounds for each person so employed and, in the case of a second or subsequent conviction within two years from the last conviction in relation to a factory for the same offence, not less than one pound for each offence.

(2) If a woman, young person or child is not allowed times for meals and absence from work, as required by this Act, or during any part of the times allowed for meals or absence from work is, in contravention of the provisions of this Act, employed in the factory or workshop or allowed to remain in any room, the woman, young

person or child shall be deemed to be employed contrary to the provisions of this Act.

The sections to which this provision applies are ss. 12, 13, 24—31, 33—35, 37—39, 44, 49, 50, 54—56, 61—63, 67, 69, 77, 78, 111 of this Act, and ss. 1 and 5 of the Act of 1907.

(a) **Occupier.**—In *Fitton v. Wood* (1875), 32 L. T. 554, A., the owner of a brickyard, who paid the rates, allowed a contractor to use the yard for £18 a year. The contractor furnished A. with bricks at a fixed price, the latter finding the coal, but A. exercised no control whatever over the yard. A child was illegally employed in the yard :—*Held*, that although A. was the “occupier” yet he was not the occupier who employed the child, and therefore was not liable to be fined.

It should be noted that the occupier is liable (at any rate in England) even though the offence was committed without his knowledge or consent, though he has done all in his power to carry out the Act, and though the person employed was acting without or contrary to orders. His only means of escape is to cause the actual offender (if any) to be brought to justice under s. 141, *post*, p. 179. Thus, in *Rogers v. Barlow & Son* (1906), 70 J. P. 214 ; 94 L. T. 519, a child was employed in a textile factory where the meal time was from 5.30 to 6 p.m. On the day in question work was stopped at 5.30, and the child then proceeded to clean the spindles in the presence of the under manager and other persons. Notices were exhibited calling attention to the provisions of the Act as to working in meal times, and the magistrates found that the defendants had used every possible means to carry out the Act. **RIDLEY and DARLING, JJ.**, held that a technical offence had been committed. The cases cited in note (a) to s. 152, *post*, p. 195, also illustrate this point. But in *Paterson v. Duke* (1904), 6 Fraser (J. C.), 53, work at a textile factory began at 6 a.m. Some of the women employed were in the habit of coming a little earlier and dusting their looms, etc. before commencing. The employers knew of the practice, and neither discouraged nor encouraged it. Adequate provision was made for the cleaning of the looms, etc. by persons employed for the purpose. The Court of Session in Scotland held that no offence had been committed. It is doubtful whether this decision would be followed in England.

(b) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

138. *Fine for offence by parent.*—(1) If a young person or child is employed in a factory or workshop contrary to the provisions of this Act, the parent of the young person or child shall be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that the offence was committed without the consent, connivance or wilful default of the parent.

(2) If the parent of a child neglects to cause the child to attend school (*a*) in accordance with this Act, he shall be liable to a fine (*b*) not exceeding twenty shillings for each offence.

For definitions of “ young person,” “ child ” and “ parent,” see s. 156, *post*, p. 196.

(*a*) **School Attendance.**—See s. 68, *ante*, p. 87.

(*b*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

139. *Forgery of certificates, false entries and false declarations.*]—If any person—

- (*a*) forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided) (*a*); or
- (*b*) gives or signs any such certificate, knowing the same to be false in any material particular; or
- (*c*) knowingly utters or makes use of any certificate so forged, counterfeited or false as aforesaid; or
- (*d*) knowingly utters or makes use of, as applying to any person, a certificate which does not so apply; or
- (*e*) personates any person named in a certificate; or
- (*f*) falsely pretends to be an inspector; or
- (*g*) wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use or personating as aforesaid; or
- (*h*) wilfully makes a false entry in any register, notice, certificate or document required by this Act to be kept or served or sent; or
- (*i*) wilfully makes or signs a false declaration under this Act; or
- (*j*) knowingly makes use of any such false entry or declaration,

he shall be liable to a fine (*b*) not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, with or without hard labour.

(*a*) **Other punishment.**—For instance, by the Malicious Damage Act, 1861 (24 & 25 Vict. c. 97), s. 36, the forgery of a birth certificate is made a felony punishable with penal servitude for life. It should be observed that if any money, goods, or valuable securities are obtained by any of the frauds mentioned in this section, the offender would be liable on an indictment for false pretences to a sentence of penal servitude. Care should therefore be taken to ascertain whether an offence under this

section does not amount to one of the more serious crimes indicated above, since a summary conviction under this section would be a bar to any subsequent proceedings by indictment.

(b) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 180.

140. *Fine on person actually committing offence for which occupier is liable.*]—Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine has in fact been committed by some agent, servant, workman or other person, that agent, servant, workman or other person shall be liable to the like fine as if he were the occupier.

141. *Power of occupier to exempt himself from fine on conviction of the actual offender.*]—(1) Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court—

(a) that he has used due diligence to enforce the execution of this Act; and

(b) that the said other person had committed the offence in question without his knowledge, consent or connivance,

that other person shall be summarily convicted of the offence, and the occupier shall be exempt from any fine. The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(2) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

(a) that the occupier of the factory or workshop has used all due diligence to enforce the execution of this Act; and

(b) by what person the offence has been committed; and

(c) that it has been committed without the knowledge, consent or connivance of the occupier and in contravention of his orders,

the inspector shall proceed against the person whom he

believes to be the actual offender without first proceeding against the occupier of the factory or workshop.

142. *Owner of machine liable in certain cases instead of occupier.*]—Where in a factory the owner or hirer of a machine or implement moved by steam, water or other mechanical power (a) is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence against this Act committed in relation to a person who is employed in or about or in connexion with that machine or implement and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

(a) **Other Mechanical Power.**—For the meaning of this expression, see note (c) to s. 149, *post*, p. 187.

143. *Limit to cumulative fines.*]—A person shall not be liable, in respect of a repetition of the same kind of offence from day to day, to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

- (a) where the repetition of the offence occurs after an information has been laid for the previous offence ; or
- (b) where the offence is one of employing two or more persons, contrary to the provisions of this Act.

144. *Prosecution of offences and recovery and application of fines.*]—(1) All offences under this Act shall be prosecuted and all fines under this Act shall be recovered, on summary conviction, before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

(2) A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

(3) All fines imposed in pursuance of this Act shall, save as otherwise expressly provided for by this Act (a), be paid into the Exchequer.

(4) Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of the factory or workshop and the father, son or brother of the occupier of

the factory or workshop shall not be qualified to act as a member of the court.

(5) A person engaged in, or being an officer of any association of persons engaged in, the same trade or occupation as a person charged with any offence under this Act shall not act as a justice of the peace in hearing and determining the charge.

(a) *I.e.*, in the case of penal compensation to persons injured (s. 136, *ante*, p. 173).

145. *Appeal to quarter sessions.*—If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom to quarter sessions.

Or the legality of the conviction or order may be tested by means of a case stated under s. 33 of the Summary Jurisdiction Act, 1879.

146. *Limitation of time and general provisions as to summary proceedings.*—The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act :

- (1) The information shall be laid within three months after the date at which the offence (a) comes to the knowledge of the inspector for the district within which the offence is charged to have been committed, or, in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it be not laid after the expiration of six months (b) from the commission of the offence :
- (2) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more :
- (3) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop or the title of the firm by which the occupier employing persons in the factory or workshop is usually known :
- (4) A conviction or order made in any matter arising under this Act, either originally or on appeal,

shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorised by this Act to appeal, shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

(a) **The Offence.**—*I.e.*, the particular offence with which the defendant is charged, notwithstanding that some other offence arising out of the same facts has previously existed to the knowledge of the inspector. See *R. v. Taylor*, *ante*, p. 174.

(b) **Continuing Offence.**—In the case of a continuing offence the time runs from the last occasion on which the offence existed (*Higgins v. Northwich Guardians* (1870), 22 L. T. 752).

147. *Evidence in summary proceedings.*]—(1) If a person is found in a factory or workshop, except at meal times or while all the machinery of the factory or workshop is stopped or for the sole purpose of bringing food to the persons employed in the factory or workshop between the hours of four and five o'clock in the afternoon, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory or workshop :

Provided that yards, playgrounds and places open to the public view, schoolrooms, waiting rooms and other rooms belonging to the factory or workshop, in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory or workshop within the meaning of this enactment ; and this enactment shall not apply to a domestic factory or workshop.

(2) Where a young person or child is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the young person or child is not of that age.

(3) A declaration in writing by a certifying surgeon for the district, that he has personally examined a person employed in a factory or workshop in that district and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

(4) A copy of a conviction for an offence against this Act, purporting to be certified under the hand of the clerk of the peace having the custody of the conviction to be a

true copy, shall be receivable as evidence, and every such clerk of the peace shall, on the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

Other provisions as to evidence will be found in s. 60 (6), *ante*, p. 81, which enacts that a report to an inspector by the occupier of a factory, etc., of his intention to employ persons overtime, shall be *primâ facie* evidence that he has in fact so employed them ; s. 86 (6), *ante*, p. 104, which provides that regulations made by the Secretary of State shall be judicially noticed ; and s. 129 (2), *ante*, p. 165, which enacts that the general register shall be *primâ facie* evidence against the occupier of a factory, etc. of the matters contained therein.

148. *Service of notices and documents, etc.*—Any notice, order, requisition, summons and document required or authorised to be served or sent for the purposes of this Act—

(a) may be served and sent by post or by delivering the same to or at the residence of the person on or to whom it is to be served or sent or (where he is the owner of a factory or workshop) by delivering the same or a true copy thereof to his agent or (where he is the occupier of a factory or workshop) by delivering the same or a true copy thereof to his agent or to some person in the factory or workshop ; and

(b) where it is required to be served on or sent to the occupier of a factory or workshop, shall be deemed to be properly addressed if addressed to the occupier of the factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

PART X.

SUPPLEMENTARY.

(i) APPLICATION AND DEFINITIONS.

149. *Factories and workshops to which Act applies.*—(1) Subject to the provisions of this section, the following expressions have in this Act the meanings hereby assigned to them ; that is to say :

The expression “textile factory” (*a*) means any premises wherein or within the close or curtilage of which (*b*)

steam, water or other mechanical power (*c*) is used to move or work any machinery employed in preparing, manufacturing or finishing or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre or other like material, either separately or mixed together or mixed with any other material, or any fabric made thereof :

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works and hat works (*d*) shall not be deemed to be textile factories :

The expression “ non-textile factory ” means—

- (a) Any works, warehouses, furnaces, mills, foundries or places named in Part One of the Sixth Schedule to this Act (*e*) ; and
- (b) any premises or places named in Part Two of the said Schedule (*f*) wherein or within the close or curtilage or precincts (*b*) of which steam, water or other mechanical power (*c*) is used in aid of the manufacturing process (*g*) carried on there ; and
- (c) any premises wherein or within the close or curtilage or precincts of which any manual labour (*h*) is exercised by way of trade or for purposes of gain (*i*) in or incidental to any of the following purposes, namely :
 - (i) the making of any article or of part of any article ; or
 - (ii) the altering, repairing (*k*), ornamenting or finishing of any article ; or
 - (iii) the adapting for sale (*l*) of any article,
 and wherein or within the close or curtilage or precincts of which (*b*) steam, water or other mechanical power (*c*) is used in aid of the manufacturing process (*g*) carried on there :

The expression “ factory ” (*m*) means textile factory and non-textile factory or either of those descriptions of factories :

The expression “ tenement factory ” means a factory where mechanical power is supplied (*n*) to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts

constitute in law separate factories ; and, for the purpose of the provisions of this Act with respect to tenement factories, all buildings situate within the same close or curtilage shall be treated as one building.

The expression “workshop” means—

- (a) any premises or places named in Part Two of the Sixth Schedule to this Act (*f*) which are not a factory ; and
- (b) any premises, room or place, not being a factory, in which premises, room or place or within the close or curtilage or precincts of which premises any manual labour (*h*) is exercised by way of trade or for purposes of gain (*i*) in or incidental to any of the following purposes, namely—
 - (i) the making of any article or of part of any article ; or
 - (ii) the altering, repairing (*k*), ornamenting or finishing of any article ; or
 - (iii) the adapting for sale (*l*) of any article,and to or over which premises, room or place the employer of the persons working therein has the right of access or control :

The expression “workshop” includes a tenement workshop.

The expression “tenement workshop” means any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a workshop if the persons working therein were in the employment of the owner or occupier.

(2) A part of a factory or workshop may, with the approval in writing of the chief inspector, be taken for the purposes of this Act to be a separate factory or workshop (*p*).

(3) A room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act.

(4) Where a place situate within the close, curtilage or precincts (*o*) forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, that

place shall not be deemed to form part of the factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop (*p*) and be regulated accordingly.

(5) A place or premises shall not be excluded from the definition of a factory or workshop by reason only that the place or premises is or are in the open air (*q*).

(6) The exercise by any young person or child in any recognised efficient school (*r*), during a portion of the school hours, of any manual labour for the purpose of instructing the young person or child in any art or handicraft, shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

(a) **Textile Factories.**—Three cases have been decided which have a bearing as to what constitutes a “textile factory.” When these cases were decided the expression “textile factory” had not been invented, and the then Factory Acts applied only to such factories as would now be called textile factories.

In the case of *Haydon v. Taylor* (1863), 4 B. & S. 519 ; 33 L. J. M. C. 30 ; 9 L. T. 382 ; 12 W. R. 103, it was held that a factory, in which cotton sewing thread, manufactured elsewhere, was wound by machinery moved by steam-power, first on to cops, and secondly on to spools—no other process except this particular process being carried on—was within the operation of the Factory Acts.

In the case of *Whymper v. Harney* (1865), 18 C. B. (N.S.) 243 ; 34 L. J. M. C. 113 ; 11 L. T. 711 ; 13 W. R. 426 (decided under s. 73 of 7 & 8 Vict. c. 15), it was held that a factory in which the manufacture of crinoline skirts was carried on was within the operation of the Factory Acts. The process was as follows : Steel plates were cut into strips and covered with cotton, the cotton being either wound round the steel, or plaited so as to make a case for the steel, and the steel strips when so covered were sewn into skirts for sale.

The case of *Taylor v. Hickes* (1862), 12 C. B. (N.S.) 152 ; 31 L. J. M. C. 242 ; 7 L. T. 322 ; 11 W. R. 36, may also be quoted. A factory was engaged in the manufacture of webbing, a fabric of cotton and wool combined, by the aid of steam power. The webbing was cut into proper lengths for braces and girths, and made into such articles by attaching to them buckles and straps of leather. The leather skins were cut into appropriate pieces, and holes bored in them, in a building within the curtilage, but separate and distinct from the building in which the webbing was manufactured :—*Held*, that the building in which the leather was cut and bored was a part of the factory, as it could not be said to be a room employed solely for the manufacture of goods of any other material than those enumerated in the Act.

“Textile factory” now includes the manufacture of any fibrous material besides those enumerated by name.

(b) **Use of Power in Part of Building.**—Every part of the premises (unless exempted by sub-ss. (2), (3) or (4), *post*) forms part of the factory, although power may only be used in one part. See *Taylor v. Hickes*, *ante*, *Hardcastle v. Jones*, *post*, p. 217, and *Palmer's Shipbuilding Co. v. Chaytor*, *post*, p. 220.

(c) **Other Mechanical Power.**—This must be of a kind *ejusdem generis* with steam power or water power, and the words do not include hand power (*Wilmott v. Paton*, [1902] 1 K. B. 237; 66 J. P. 197).

(d) **Print Works, etc.**—For definition of these terms, see Sched. 6, *post*, p. 215.

(e) *Post*, p. 215.

(f) *Post*, p. 218.

(g) **In Aid of Process.**—In determining the question whether in any particular instance power is used “in aid of a manufacturing process” a somewhat fine distinction has been drawn. In *Petrie v. Weir* (1900), 2 Fraser, 1041, a gas engine was used in a stone-dressing yard to drive a grindstone for sharpening the workmen's tools. The Scotch courts held that it was used in aid of the manufacturing process carried on in the yard. But in *Law v. Graham*, [1901] 2 K. B. 327; 70 L. J. K. B. 608; 84 L. T. 599, where, in a beer-bottling establishment, the bottles were filled with beer by hand, but were previously cleaned by a rotary brush driven by a gas engine, Lord ALVERSTONE, C.J., and LAWRENCE, J., while not dissenting from *Petrie v. Weir*, held that the engine was not used in aid of the process of bottling the beer. In *Doswell v. Cowell* (1906), 95 L. T. 38, in a tripe boiling shop steam was used to heat the vessel in which the tripe was boiled. This steam was generated in a boiler, which was supplied with feed water by an injector worked by steam. The Court of Appeal (following *Petrie v. Weir*) held that steam power was used in aid of the manufacturing process, and that the premises were therefore a factory, but COZENS-HARDY, L.J., said that it did not follow that every building in which there was a boiler was a factory. In *Murphy v. O'Donnell* (1905), 54 W. R. 149, a machine had to be erected on the third floor of a building. The lighter parts were carried up by a lift worked by mechanical power and the heavier parts by pulleys with hand power. It was then put together by hand, in the course of which a workman was injured. The Court of Appeal held that the erection and delivery of the machine were separate operations, and that as the accident happened in the course of the former, for which no power was used, the workman was not injured in an employment in or about a factory.

(h) **Manual Labour.**—This expression has not necessarily the same meaning here that it has in the Employers and Workmen Act, 1875, *post*, p. 347 (*per* the King's Bench Division in *Hoare v. Robert Green, Limited*, *infra*, note (l)).

(i) **By Way of Trade, or for Purposes of Gain.**—In *Nash v. Hollinshed*, [1901] 1 Q. B. 700; 65 J. P. 357, the Court of

Appeal held that a movable steam-engine on a farm used for grinding meal for consumption on the farm was not a factory within this definition.

In *Caledonian Rail. Co. v. Paterson* (1898), 1 Fraser (J. C.), 24, a hotel had a laundry attached to it in which the following articles were washed : (1) the hotel linen ; (2) hotel servants' clothes ; (3) visitors' clothes. The latter were paid for by visitors in the ordinary way :—*Held*, that the laundry was not carried on by way of trade or for purposes of gain.

In *Mooney v. Edinburgh, etc., infra*, the Court of Session in Scotland (*dissentiente* Lord MONCRIEFF) appear to have held that when a tramway company repair their cars they do so by way of trade or for purposes of gain.

In *Curtis v. Skinner* (1906), 70 J. P. 272 ; 95 L. T. 31 ; 21 Cox C. C. 210, a fishing boat owner occupied a warehouse with a room over it, in which persons in his employment mended his fishing nets. No nets were repaired there, except those which he used in his own fishing business. The King's Bench Division (following *Nash v. Hollinshed*) held that the labour of these persons was not exercised by way of trade or for purposes of gain.

(*k*) **Repairing.**—In *Mooney v. Edinburgh and District Tramways Co., Limited* (1901), 4 Fraser, 390, the cars of a tramway company were kept, oiled, and cleaned in a covered shed, adjoining which was a machine room in which mechanical power was used. When any part of a car needed repairs it was detached from the car in the shed, repaired in the machine room and refixed in the shed :—*Held*, that the shed was a factory, apparently upon the ground that the shed was a place wherein manual labour was exercised by way of trade or for purposes of gain in the repairing of the cars.

(*l*) **Adapting for Sale.**—In *Henderson v. Glasgow Corporation* (1900), 2 Fraser, 1127, it was held that separating the saleable parts of town refuse from the unsaleable parts was an “adapting for sale.” And in *Fullers, Limited v. Squire*, [1901], 2 K. B. 209 ; 65 J. P. 660 ; 70 L. J. K. B. 689, it was held that packing and arranging sweetmeats in ornamental boxes and tying them up with ornamental ribbons might be an adapting for sale. In *Law v. Graham*, [1901] 2 K. B. 327 ; 70 L. J. K. B. 608 ; 84 L. T. 599, Lord ALVERSTONE, C.J., thought it possible that the process of putting beer into bottles at a beer-bottling establishment might be an adapting for sale. And in *Hoare v. Truman, Hanbury, Buxton & Co.* (1902), 66 J. P. 342 ; 71 L. J. K. B. 380 ; 86 L. T. 417 ; 50 W. R. 396, it was held by Lord ALVERSTONE, C.J., and DARLING and CHANNELL, JJ., that where, in a beer-bottling store, the beer was taken from the cask and mixed with carbonic acid gas by mechanical power, after which it flowed into bottles by the gas pressure whenever a tap was turned, this process was an adapting for sale of beer, and that the store was a factory. The court distinguished *Law v. Graham*. See note (*g*), *supra*. In *Hoare v. Robert Green, Limited*, [1907] 2 K. B. 315 ; 71 J. P. 341 ; 76 L. J. K. B. 730 ; 96 L. T. 724, a number of girls and

women were employed in a florist's shop, partly in serving in the shop and partly in making up natural flowers into wreaths, crosses, etc. The King's Bench Division held that they were employed in making or adapting an article for sale.

(*m*) **Separate Buildings.**—Two or more buildings entirely separate from each other may sometimes constitute one and the same factory. Thus, in *London County Council and Tubbs, In re* (1903), 68 J. P. 29, two separate houses were connected by an iron bridge from the first floor of one to that of the other, and manufacturing processes begun in one house were finished in the other :—*Held*, that there was evidence upon which an arbitrator could find that the two houses together constituted one factory. And in *Hoyle v. Oram* (1862), 12 C. B. (N.S.) 124 ; 31 L. J. M. C. 213 ; 8 Jur. (N.S.) 1154, a firm of calico printers had two establishments, seven miles apart. In one the preliminary bleaching was done and in the other the actual printing :—*Held*, by the Court of Common Pleas, that the bleaching works formed “part of an establishment where the chief process of printing was carried on.”

(*n*) **Supply of Mechanical Power.**—The word “supplied” in the section means “supplied from the same source,” and where different parts of the same building are occupied by different persons, each with their own independent source of mechanical power, the building is not a tenement factory (*per* the King's Bench Division in *Brass v. London County Council*, [1904] 2 K. B. 336 ; 68 J. P. 365 ; 73 L. J. K. B. 841 ; 91 L. T. 344 ; 53 W. R. 27, following *Toller v. Spiers and Pond, Limited*, [1903] 1 Ch. 362 ; 67 J. P. 234 ; 72 L. J. Ch. 191 ; 87 L. T. 578 ; 51 W. R. 381.)

(*o*) **Place within the Precincts of a Factory.**—This only refers to a place outside the factory itself and separated from it by some physical demarcation, not to any spot within the factory. See the judgments of Lord ALVERSTONE, C.J., and WILLS and KENNEDY, J.J., in *Lewis v. Gilbertson & Co., Limited* (1904), 68 J. P. 323 ; 91 L. T. 377. In that case the owners of an iron mill were enlarging it by the erection of new buildings adjoining, for which purpose they put up an engine and mortar mill on the site of the new buildings, which was outside the old factory but within its precincts, and did not fence the flywheel, etc. Upon these facts the justices considered that the site of the new buildings came within this sub-section, and that the engine and mortar mill were not a separate factory, and the High Court held that their decision could not be interfered with.

It should also be observed that although it may be difficult or even impossible to say exactly what the precincts of any particular factory are, yet there must always be some limit to them, and the extent of that limit is a question of fact in each particular case. Thus, in *Spacey v. Dowlais Gas and Coke Co., Limited*, [1905] 2 K. B. 879 ; 75 L. J. K. B. 5 ; 54 W. R. 138, it was held that a gas main, the property of the gas company, under a road a quarter of a mile from the gas works, was not part of the works. In *Rimmer v. Premier Gas Engine Co., Limited*, (1907), 97 L. T. 226, an electrical station, which was being erected at a spot

150 yards from a dock, was held not to form part of the dock, although it was designed for the sole purpose of supplying the dock with light and power. See also *Back v. Dick, Kerr, Limited*, [1906] A. C. 325 ; 75 L. J. K. B. 569 ; 94 L. T. 802.

(*p*) **Separate Factories, etc.**—This provision must not be confused with that under s. 151 relating to the separation of branches or departments of work under Special Order of the Secretary of State.

(*q*) **Open Air.**—It was held under the Factory Act, 1867, that places in the open air, although some manufacturing process might be carried on in them, would not be included in the term “factory” —hence the enactment respecting places in the open air. See note to “Quarries”; and the cases of *Kent v. Astley* and *Redgrave v. Lee*, in the notes to Part II. of Sched. 6, *post*, p. 220.

But notwithstanding this provision, an agricultural engine and thrashing machine going along a road are not a factory, although they are about to be used for the purpose of adapting corn for sale by thrashing it (*George v. Macdonald* (1901), 4 Fraser, 190).

(*r*) **Recognised Efficient School.**—For definition, see s. 72, *ante*, p. 93.

150. *Application to Crown factories and workshops.*—

(1) This Act applies to factories and workshops belonging to the Crown ; but in case of any public emergency the Secretary of State may, by order, to the extent and during the period named by him, exempt from this Act any factory or workshop belonging to the Crown or any factory or workshop in respect of work which is being done on behalf of the Crown under a contract specified in the order.

(2) A factory or workshop belonging to or in the occupation of the Crown shall not be excluded from the operation of this Act by reason only that it is not carried on by way of trade or for the purpose of gain.

(3) The powers conferred by this Act on a district council or other local authority shall, in the case of a factory or workshop belonging to or in the occupation of the Crown, be exercised by an inspector under this Act.

151. *Power to treat separate branches as separate factories or workshops.*—The Secretary of State may, by Special Order (*a*), direct, with respect to any class of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or

any of the purposes of this Act, be treated as if they were different factories or workshops.

(a) **Special Orders.**—With respect to factories and workshops in which overtime may be worked by women, under s. 49, *ante*, the Secretary of State has issued an Order, dated March 27th, 1897, that different branches or departments of work carried on in the same factory or workshop shall, so far as regards the employment of women during overtime, be treated as if they were different factories or workshops subject to the following conditions :

- (1) Every such branch or department must be carried on—
 - (a) in a separate room or separate rooms, which must not be used for any other branch or department,
 - (b) under separate and distinct management, and
 - (c) by separate and distinct persons, that is to say, no person who is employed in one branch or department may be employed in any other branch or department.
- (2) In every such branch or department a separate notice (Special Exception Notice) under s. 66 of the Factory and Workshop Act, 1878 (now s. 60, *ante*), must be affixed, stating clearly the name or description of the branch or department ; and a copy of every such notice must be sent to the inspector.
- (3) In every such branch or department a separate register (Overtime Register) must be kept, and the entry of the particulars required by s. 66 of the Factory and Workshop Act, 1878 (now s. 60, *ante*), must be made therein ; and all such particulars must be reported to the inspector as required by s. 14 (1) of the Factory and Workshop Act, 1891 (now s. 60 (4), *ante*).
- (4) In every such branch or department a separate notice (Record of Overtime) must be kept affixed as required by s. 14 (2) of the Factory and Workshop Act, 1891 (now s. 60 (4), *ante*).
- (5) The occupier of the factory or workshop must obtain from the inspector, and must hold, a certificate that in his opinion, having regard to all the circumstances of the case, the separation of branches or departments and the arrangements for carrying out the above conditions are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

A further Order, also dated March 27th, 1897, has been made with respect to the factories and workshops named in the Schedule below, by which it is provided that different branches or departments of work carried on in the same factory or workshop, may, so far as regards the period of employment of children, young

persons, and women, be treated as if they were different factories or workshops, subject to the following conditions :

- (1) Every such branch or department must be carried on—
 - (a) in a separate room or separate rooms, which must not be used for any other branch or department,
 - (b) under separate and distinct management, and
 - (c) by separate and distinct persons, that is to say, no person who is employed in one branch or department may be employed in any other branch or department.
- (2) In every such branch or department a separate notice (Special Exception Notice) under s. 66 of the Factory and Workshop Act, 1878 (now s. 60, *ante*), must be affixed, stating clearly the name or description of the branch or department ; and a copy of every such notice must be sent to the inspector.
- (3) In every such branch or department a separate notice (Period of Employment Notice) under s. 19 of the Factory and Workshop Act, 1878 (now s. 32, *ante*), must be affixed.
- (4) The occupier of the factory or workshop must obtain from the inspector, and must hold, a certificate that in his opinion, having regard to all the circumstances of the case, the separation of branches or departments, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

SCHEDULE.

Factories or workshops or parts thereof in which are carried on—

Bookbinding,

Hat making, and

The following branches of the confectionery trade, viz., Bonbon and Christmas present making.

Furthermore, by Order dated January 19th, 1899, with respect to the factories and workshops named in the Schedule thereto, a part of any such factory or workshop which is *a warehouse not used for any manufacturing process or handicraft and in which persons are solely employed in polishing, cleaning, wrapping or packing up goods*, may, so far as regards the period of employment of children, young persons and women, be treated as if it were a different factory or workshop, subject to the following conditions :

- (1) (a) Such part must consist of a separate room or separate rooms ;
- (b) such part must be under separate and distinct management ;

- (c) no person who is employed in such part may be employed in any other part of the factory or workshop.
- (2) Such part shall have a separate notice (Special Exception Notice) under s. 66 of the Factory and Workshop Act, 1878 (now s. 60, *ante*), affixed therein ; and a copy of every such notice must be sent to the inspector.
- (3) Such part shall have a separate notice (Period of Employment Notice) under s. 19 of the Factory and Workshop Act, 1878 (now s. 32, *ante*), affixed therein.
- (4) The occupier of the factory or workshop must obtain from the inspector, and must hold, a certificate that in his opinion, having regard to all the circumstances of the case, the separation of such part from the rest of the factory or workshop, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

SCHEDULE.

Factories or workshops in which the manufacture of edge tools is carried on.

And by Order dated September 6th, 1900, the Secretary of State directed with respect to the factories and workshops named in the Schedule to the Order, that a part of any such factory or workshop which is *a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping or packing up goods*, may, so far as regards the period of employment of children, young persons and women, be treated as if it were a different factory or workshop, subject to the following conditions :

- (1)—(a) Such part must consist of a separate room or separate rooms ;
(b) such part must be under separate and distinct management ;
(c) no person who is employed in such part may be employed in any other part of the factory or workshop.
- (2) Such part shall have a separate notice (Period of Employment Notice) under s. 19 of the Factory and Workshop Act, 1878 (now s. 32, *ante*), affixed therein.
- (3) The occupier of the factory or workshop must obtain from the inspector, and must hold, a certificate that in his opinion, having regard to all the circumstances of the case, the separation of such part from the rest of the factory or workshop, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate

shall cease to be of any effect on the expiration of one week after the inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

SCHEDULE.

Factories or workshops in which the manufacture of bright or burnished metal goods is carried on.

And by Order dated December 26th, 1907, the Secretary of State directed with respect to factories and workshops which are laundries that different departments of work carried on in the same factory or workshop may, so far as regards the period of employment of women, young persons and children, be treated as if they were different factories or workshops, subject to the following conditions :

- (1) There shall not be more than one such department dealing with the same class of work.
- (2) Every such department must be carried on :
 - (a) under separate and distinct management, and
 - (b) by separate and distinct persons, that is to say, no person who is employed in one department may be employed in any other department.
- (3) In every such department a copy of the prescribed notice shall be kept affixed, with a complete list of the persons employed in that department.
- (4) This Order shall not have effect as regards a laundry unless and until the occupier of that laundry holds a certificate from the inspector of the district to the effect that in his opinion the arrangements for carrying out the above conditions are satisfactory. Such certificate shall be in writing and shall be kept attached to the general register and shall be revocable at any time by one week's notice in writing from the inspector of the district.

152. *Definition of employment and working for hire.*—

- (1) A woman, young person or child who works in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft or in cleaning or oiling any part of the machinery or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed (a) therein within the meaning of this Act.

(2) For the purposes of this Act an apprentice shall be deemed to work for hire.

(a) **Employed.**—A question has arisen whether the occupier of a factory, etc., can be convicted under this section when the “employment” has been without his knowledge or consent, and the Scotch and English courts have come to different conclusions. In the Scotch case of *Robinson v. Melville* (1890), 17 Rettie (J.C.) 62, two women worked in a workshop after hours. They did so at their own free will without the knowledge of their employer or the forewoman, and against the express orders of the latter. The Court of Justiciary held that no offence had been committed by the employer. But in *Prior v. Slaithwaite Spinning Co.*, [1898] 1 Q. B. 881 ; 62 J. P. 358 ; 67 L. J. Q. B. 615 ; 78 L. T. 532 ; 46 W. R. 488, a young person employed in a mill oiled part of the machinery during meal times. He did so contrary to orders and for his own amusement. The Queen’s Bench Division (WILLS and KENNEDY, JJ.) held that the occupier of the mill had committed an offence. It may, however, be remarked that their attention was not called to *Robinson v. Melville*. See also the cases cited in note (a) to s. 137, *ante*, p. 177.

In the Scotch case of *Graves v. Duncan* (1899), 1 Fraser (J.C.) 72, a woman who managed a millinery business at a weekly salary plus a percentage of profits, superintended everything, bought all goods, kept her own hours, and came and went as she pleased, was held to be “employed.”

153. *Application of Act to London.*] — (1) In the application to the administrative county of London of the section of this Act relating to the means of escape from fire (a), the London County Council shall take the place of the district council, and their expenses in the execution of that section shall be defrayed as part of their expenses in the management of the London Building Act, 1894.

(2) In the application to the administrative county of London of the section of this Act giving power to make byelaws providing for means of escape from fire (b), the reference to a district council shall be construed as a reference to the London County Council.

(3) The power of the London County Council under section one hundred and sixty-four of the London Building Act, 1894, to make byelaws with respect to the means of escape from fire in buildings exceeding sixty feet in height shall extend to all factories and workshops, whether exceeding sixty feet in height or not.

(4) Subject as aforesaid, references in this Act to a district council and the district thereof shall, as regards

the city of London, be construed as references to the court of common council and the city and, as regards any other part of the administrative county of London, as references to the council of a metropolitan borough and the metropolitan borough.

(a) Section 14, *ante*, p. 28.

(b) Section 15, *ante*, p. 33.

154. *Application of Act to county boroughs.*]—References in this Act to a district council and the district thereof shall be construed as including references to the council of a county borough and the county borough.

155. *Saving for existing powers of district councils.*]—The powers conferred by this Act on district councils shall be in addition to, and not in substitution for, any other powers which they may possess.

156. *General definitions.*]—(1) In this Act unless the context otherwise requires,—

The expression “bank holiday” (a) means a holiday under the Holidays Extension Act, 1875 :

The expression “child” means a person who is under the age of fourteen years and who has not, being of the age of thirteen years, obtained the certificate of proficiency or attendance (b) at school mentioned in Part III. of this Act :

The expression “machinery” includes any driving strap or band :

The expression “mill-gearing” (c) comprehends every shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley or other appliance by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process :

The expression “night” means the period between nine o’clock in the evening and six o’clock in the succeeding morning :

The expression “owner” has the meaning given to it by section four of the Public Health Act, 1875 (d) :

The expression “parent” means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages of, a young person or child :

The expression “prescribed” means prescribed for the time being by the Secretary of State :

The expression “process” includes the use of any locomotive :

The expression “Special Order” means an order which is subject to the provisions of section one hundred and twenty-six (*e*) of this Act with regard to Special Orders of the Secretary of State :

The expression “week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night :

The expression “woman” means a woman of the age of eighteen years and upwards :

The expression “young person” means a person who has ceased to be a child and is under the age of eighteen years :

(2) For the purposes of this Act, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour :

(3) The factories and workshops named in the Sixth Schedule to this Act (*f*) are in this Act referred to by the names therein assigned to them.

(4) References in this Act to regulations made under this Act shall be construed as including references to special rules established or requirements made under any previous Act.

(a) **Bank Holiday.**—For full definition, see note (*b*) to s. 35, *ante*, p. 54.

(b) **Certificate.**—See s. 71, *ante*, p. 91.

(c) **Mill-gearing.**—This definition is not exhaustive (*Holmes v. Clarke* (1860), 6 H. & N. 349 ; 30 L. J. Ex. 135 ; 3 L. T. 675 ; 9 W. R. 419).

(d) **Owner.**—The definition in the Public Health Act, 1875, is “the person for the time being receiving the rack-rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack-rent.”

The question whether a particular person is or is not an “owner” within this definition has arisen in a very large number of cases. Many of these, however, have no practical application to factories or workshops, and are therefore not dealt with here.

A person who actually receives the rent, even though he has no right to do so, is an owner (*Peek v. Waterloo Board of Health* (1863), 2 H. & C. 709 ; 33 L. J. M. C. 11 ; 9 L. T. 338 ; 12 W. R. 252 ;

9 Jur. (N.S.) 1343). So is an agent to collect rents (*St. Helen's Corporation v. Kirkham* (1885), 16 Q. B. D. 403; 50 J. P. 647; 34 W. R. 440). A second mortgagee in possession, who collected rents, the whole of which he applied in paying the outgoings and the interest on the first mortgage, was held to be an "owner" in *Tottenham Local Board v. Williamson* (1893), 62 L. J. Q. B. 322. In *Truman, Hanbury, Buxton & Co. v. Kerslake*, [1894] 2 Q. B. 774; 58 J. P. 766; 63 L. J. M. C. 222; 43 W. R. 111, A. let a house to B. for thirty-nine years at a rent less than a rack-rent. B. did not sublet, but remained in possession by himself or his assignees:—*Held*, that B. and not A. was the "owner." In *Rice v. White*, [1904] 2 I. R. 8, A. let certain premises to B. on a repairing lease at a yearly rent of £34. B. occupied part of the premises, of an annual value of £19 10s., and sublet the remainder to weekly tenants at rents amounting to £107 per annum:—*Held*, that B. and not A. was the "owner." A trustee of a school, who receives no rent for the school and has no power to let it, is an "owner" (*Bowditch v. Wakefield Local Board* (1871), L. R. 6 Q. B. 567; 40 L. J. M. C. 214; 25 L. T. 88). A lessee under a building lease at a ground rent is the "owner," even though the buildings have not been commenced, and the ground rent is the full annual value of the land while unbuilt upon (*St. Helen's Corporation v. Riley* (1883), 47 J. P. 471). If A. lets premises to B. at a rack-rent (*i.e.*, a rent more than two-thirds of the full net annual value), and B. sublets to weekly tenants at a higher rent, B. and not A. is the "owner" (*Bowen v. James* (1881), 10 L. R. Ir. 26). But if B. sublets at exactly the same rent, he is not the "owner" (*Walford v. Hackney Board of Works* (1894), 43 W. R. 110).

A receiver appointed by the court is not an "owner" (*Bacup Corporation v. Smith* (1890), 44 Ch. D. 395; 59 L. J. Ch. 518; 63 L. T. 195; 38 W. R. 697). And if A. lets a house to B. at a rack-rent, and B. sublets part to C., A. is not the "owner" of C.'s part (*Cook v. Montagu or R. v. Bath JJ.* (1872), L. R. 7 Q. B. 418; 41 L. J. M. C. 149; 26 L. T. 471; 20 W. R. 624).

If an owner commits a breach of the law, and immediately afterwards his ownership ceases, an order of justices may under certain circumstances be made against him, notwithstanding the termination of his ownership (*Broadbent v. Shepherd*, [1901] 2 K. B. 274; 65 J. P. 499; 70 L. J. K. B. 628; 84 L. T. 844; 49 W. R. 521).

(e) *Ante*, p. 163.

(f) *Post*, p. 215.

157. Men's workshops.]—The following provisions of this Act shall not apply to men's workshops, that is to say, workshops conducted on the system of not employing any woman, young person or child therein :

(1) The sections in Part I. relating to temperature, thermometers, means of ventilation, drainage

of floors, sanitary conveniences, opening of doors, power to make orders as to dangerous machinery and inquests (*a*);

(2) Part II. and Part III. (*b*);

(3) The sections in Part IV. relating to fans and to lavatories and meals (*c*);

(4) Part VII. (*d*);

(5) The sections of Part VIII. relating to the affixing of abstracts and notices and the keeping of a general register, and the first sub-section of the section relating to periodical returns (*e*).

(*a*) *I.e.*, ss. 6—9, 16, 17, and 21, *ante*.

(*b*) *I.e.*, employment and education. See pp. 40—93.

(*c*) *I.e.*, ss. 74, 75, and 78, *ante*, pp. 94—98.

(*d*) *I.e.*, particulars of work and wages, *ante*, pp. 142—156.

(*e*) *I.e.*, ss. 128—130 (1).

158. *Saving for young persons employed in repairs.*—Nothing in this Act shall extend to any young person being a mechanic, artizan or labourer working only in repairing either the machinery in, or any part of, a factory or workshop.

(ii) APPLICATION OF ACT TO SCOTLAND AND IRELAND.

159. *Application of Act to Scotland.*—In the application of this Act to Scotland—

(1) The expression “certified efficient school” means any public or other elementary school under Government inspection :

(2) The expression “district council” and the expression “district” used with reference to such council mean the local authority under the Public Health (Scotland) Act, 1897, and their district :

(3) The expression “medical officer of health” means the medical officer under the Public Health (Scotland) Act, 1897 :

(4) The expression “poor law medical officer” means the medical officer appointed by the parish council :

- (5) The expression "court of summary jurisdiction" means the sheriff of the county :
- (6) The expression "Board of Education" means the Scotch Education Department :
- (7) The provisions of this Act relating to certificates of proficiency or of due attendance (*a*) shall not apply, but a child of the age of thirteen years, who has obtained exemption from the obligation to attend school in the manner prescribed by section three of the Education (Scotland) Act, 1901 (*b*), shall be deemed to be a young person for the purposes of this Act :
- (8) The expression "county court" means the sheriff court :
- (9) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette, either in addition or in substitution as the case may require :
- (10) The expression "information" means petition or complaint :
- (11) The expression "informant" means petitioner, pursuer or complainer :
- (12) The expression "defendant" means defender or respondent :
- (13) The expression "clerk of the peace" means sheriff clerk :
- (14) The expression "owner" has the meaning given to it by section three of the Public Health (Scotland) Act, 1897 :
- (15) The expression "inspector of nuisances" means sanitary inspector within the meaning of the Public Health (Scotland) Act, 1897 :
- (16) The expression "Births and Deaths Registration Acts, 1836 to 1874," means the Acts relating to the registration of births, deaths and marriages in Scotland :
- (17) The expression "Public Health Act, 1875," means the Public Health (Scotland) Act, 1897, and the Acts amending the same, and references to section ninety-one and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall be construed respectively as references to section sixteen and

sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897 :

- (18) The expenses incurred by a local authority under the provisions of this Act with respect to means of escape in case of fire shall be defrayed out of the public health general assessment levied under the Public Health (Scotland) Act, 1897 :
- (19) The expression "Local Government Board" means the Local Government Board for Scotland :
- (20) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction (Scotland) Acts at the instance of the procurator fiscal or of any inspector :
- (21) The court may make and may alter or vary summary orders under this Act on petition by the procurator fiscal or an inspector presented in common form :
- (22) All fines under this Act in default of payment and all orders made under this Act failing compliance may be enforced by imprisonment for a term to be specified in the order or conviction but not exceeding three months :
- (23) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that the prosecution is brought at the instance of that inspector :
- (24) Every person convicted of any offence under this Act shall be liable in the reasonable costs and charges of the conviction :
- (25) All penalties imposed and recovered under this Act shall be paid to the clerk of the court and by him accounted for and paid to the King's and Lord Treasurer's Remembrancer on behalf of his Majesty's Exchequer and shall be carried to the Consolidated Fund :
- (26) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs :
- (27) The provisions of this Act with respect to appeals to quarter sessions shall not apply, and any person may appeal from any order or conviction

under this Act to the Court of Justiciary, under and in terms of the Heritable Jurisdictions (Scotland) Act, 1746, or under any enactment amending that Act or applying or incorporating its provisions or any of them with regard to appeals, or under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875.

(a) Sections 69 and 71, *ante*, pp. 90, 91.

(b) *Post*, p. 378

160. *Application of Act to Ireland.*] —In the application of this Act to Ireland—

- (1) The expression “certified efficient school” means any national school or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act :
- (2) The expression “recognised efficient school” means a certified efficient school and any school which is recognised for the time being by an inspector under this Act as giving efficient elementary education :
- (3) In the provisions of this Act relating to certificates of birth, the Irish Education Act, 1892, shall be substituted for the Elementary Education Act, 1876, and a school attendance committee shall be substituted for a local authority :
- (4) In the provisions of this Act relating to payment by occupiers of sums for schooling, the Irish Education Act, 1892, shall be substituted for the Elementary Education Act, 1891, and a school grant shall be substituted for a fee grant :
- (5) The expression “medical officer of health” includes a medical superintendent of health :
- (6) The expression “poor law medical officer” means the medical officer of a dispensary district :
- (7) Any act authorised to be done or consent required to be given by, or report required to be made to, the Board of Education under this Act shall be done and given by or to the Lord Lieutenant acting by and with the advice of the Privy Council in Ireland :
- (8) A court of summary jurisdiction, when hearing and determining an information or complaint in any

matter arising under this Act, shall be constituted, within the police district of Dublin metropolis, of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a resident magistrate appointed under the Constabulary (Ireland) Act, 1836, sitting alone or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions :

- (9) Appeals from a court of summary jurisdiction shall lie in accordance with the provisions of the Summary Jurisdiction (Ireland) Acts :
- (10) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same :
- (11) The provisions of section one hundred and seven of the Public Health (Ireland) Act, 1878, with respect to a factory, workshop or workplace not kept in a cleanly state or not ventilated or overcrowded, shall not apply to any factory which is subject to the provisions of this Act with respect to cleanliness, ventilation and overcrowding, but shall apply to every other factory, workshop or workplace :
- (12) The Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1878, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as they apply to buildings where more than twenty persons are employed :
- (13) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular sections two, one hundred and seven and two hundred and nineteen to two hundred and twenty-three of the former Act shall be substituted for sections four, ninety-one and one hundred and eighty-two to one hundred and eighty-six of the latter Act respectively :
- (14) The expression "the Local Government Board" means the Local Government Board for Ireland :

- (15) The expression “the Births and Deaths Registration Acts, 1836 to 1874,” means the Births and Deaths Registration (Ireland) Acts, 1863 to 1880 :
- (16) All matters required by this Act to be published in the London Gazette shall, if they relate to Ireland, be published in the Dublin Gazette, either in addition or in substitution as the case may require.

(iii) REPEAL, ETC.

161. *Repeal of Acts.*]—The Acts specified in the Seventh Schedule to this Act are hereby repealed as from the dates and to the extent in that Schedule mentioned ;

Provided that—

- (1) All notices affixed in a factory or workshop in pursuance of any enactment hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act ; and
- (2) All orders and all special rules and requirements made or having effect under any enactment hereby repealed shall continue to have effect as if they had been made under this Act ; and nothing in this Act shall be construed as altering the mode of making such special rules or requirements whilst the power to make them continues in force ; and
- (3) All inspectors, sub-inspectors, certifying surgeons, officers, clerks and servants appointed in pursuance of any enactment hereby repealed shall continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act ; and
- (4) All certificates of fitness for employment granted in pursuance of any enactment hereby repealed shall have effect as if granted in pursuance of this Act, and all registers kept in pursuance of any enactment hereby repealed shall, until

otherwise directed by the Secretary of State, be deemed to be the registers required by this Act.

162. *Commencement of Act.*]—This Act shall come into operation on the first day of January one thousand nine hundred and two.

163. *Short title.*]—This Act may be cited as the Factory and Workshop Act, 1901.

SCHEDULES.

Section 14.]

FIRST SCHEDULE.

PROVISIONS AS TO ARBITRATIONS.

(1) The parties to the arbitration are in this Schedule deemed to be the owner of the factory or workshop on the one hand and the district council on the other hand.

(2) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

(3) No person shall act as arbitrator or umpire who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

(4) The appointment of an arbitrator must be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and the appointment shall not be revoked without the consent of that party.

(5) The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this Schedule.

(6) If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(7) If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and, if he fails to do so

within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(8) In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

(9) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as has been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.

(10) The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

(11) If the umpire dies or becomes incapable of acting before he has made his award or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

(12) If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

(13) The decision of every umpire on the matters referred to him shall be final.

(14) If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

(15) Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

(16) The arbitrators and the umpire or any of them may examine the parties and their witnesses on oath and may also consult any counsel, engineer or scientific person whom they think it expedient to consult.

(17) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and, together with the costs of the arbitration and

award, shall be paid by the parties or one of them, according as the award may direct. Such costs may be taxed by a Master of the Supreme Court or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the occupier (*a*) of the factory or workshop may, in the event of non-payment, be recovered in the same manner as fines under this Act (*b*).

It should be noted that Sched. 1 of the Act of 1891 and the sections to which it refers are temporarily kept alive by Sched. 7, Part II., *post*.

(*a*) **Occupier**.—This word appears to be a mistake. By clause 1 the parties to the arbitration are the owner and the district council. Clause 17 gives the occupier (who is not a party to the arbitration) power to recover his costs, but no such power is given to the owner. The mistake has apparently arisen through copying the Schedule of the Act of 1891 under which the occupier was a party to the arbitration.

(*b*) *I.e.*, in a court of summary jurisdiction. See s. 144, *ante*, p. 180.

SECOND SCHEDULE.

[Section 49.]

FACTORIES AND WORKSHOPS IN WHICH OVERTIME IS ALLOWED.

(1) Non-textile factories and workshops and parts thereof where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather; namely,—

(a) Flax scutch mills; and

(b) Any factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles not being ornamental tiles; and

(c) The part of rope works in which is carried on the open-air process; and

(d) The part of bleaching and dyeing works in which is carried on open-air bleaching or Turkey red dyeing; and

(e) Any factory or workshop or part thereof in which is carried on glue making; and

(2) Non-textile factories and workshops and parts thereof where press of work arises at certain recurring seasons of the year; namely,—

(f) Letter-press printing works; and

(g) Bookbinding works; and
any factory, workshop or part thereof in which is carried on the manufacturing process or handicraft of—

- (h) Lithographic printing; or
- (i) Machine ruling; or
- (k) Firewood cutting; or
- (l) Bon-bon and Christmas present making; or
- (m) Almanac making; or
- (n) Valentine making; or
- (o) Envelope making; or
- (p) Aërated water making; or
- (q) Playing card making; and

(3) Non-textile factories and workshops and parts thereof where the business is liable to sudden press of orders arising from unforeseen events; namely, any factory or workshop or part thereof in which is carried on the manufacturing process or handicraft of—

- (r) The making up of any article of wearing apparel; or
- (s) The making up of furniture hangings; or
- (t) Artificial flower making; or
- (u) Fancy box-making; or
- (v) Biscuit making; or
- (w) Job dyeing; and

(4) Any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft and in which persons are solely employed in polishing, cleaning, wrapping or packing up goods (*a*).

Under s. 151, *ante*, p. 190 (which relates to the carrying on of different departments of work in the same factory or workshop as if they were separate factories or workshops) the Secretary of State has made an Order that different departments of factories and workshops in which overtime may be worked by women under s. 49 may be treated, so far as regards the employment of women upon overtime work, as if each department were a separate factory or workshop, subject to certain conditions which are fully set out in the notes to s. 151.

Special Orders.—The exception authorised by s. 49, *ante*, p. 69, has been extended, by a consolidating and amending Order dated October 13th, 1908, to the non-textile factories and workshops, or parts thereof, in which the following processes, or any of them, are carried on, viz.:

1. The making of cardboard and millboard.
2. The colouring and enamelling of paper, other than wall-papers.
3. The stamping in relief on paper and envelopes.
4. The making of postage stamps, stamped post cards, and stamped envelopes.

5. The making of Christmas and New Year cards, and of cosagues.
6. The making of meat pies, of mincemeat, and of Christmas puddings.
7. The bottling of beer.
8. The making of boxes for aërated water bottles.
9. The washing of bottles for use in the preserving of fruit.
10. The making and mixing of butter and the making of cheese.
11. The making of fireworks.
12. The calendering, finishing, hooking, lapping, or making up and packing of any yarn or cloth. Provided that in Lancashire and Cheshire this exception shall not apply unless such processes are the only processes carried on in the factory.
13. The warping, winding, or filling of yarn, without the aid of mechanical power, as incidental to the weaving of ribbons.
14. The making up of any article of table-linen, bed-linen, or other household linen, and processes incidental thereto.
15. The making of bouquets or wreaths or similar articles from natural flowers or leaves or process in which natural flowers or leaves are otherwise adapted for sale.

Provided that it shall be a condition of the employment of any woman in pursuance of this Order that—

- (1) There shall be in each room in which overtime is being worked at least four hundred cubic feet of space for each person employed therein ;
- (2) A woman shall not be employed overtime on any process other than a process named in this Order.

(a) **Polishing, etc.**—This provision does not allow overtime to be worked on polishing, etc. in a part of the factory which is used in ordinary hours for a manufacturing process, even if nothing but polishing, etc. is done there after hours (*Smith v. Sibray, Hall & Co.*, [1903] 2 K. B. 707 ; 67 J. P. 390 ; 72 L. J. K. B. 822 ; 89 L. T. 358 ; 52 W. R. 218).

Section 88.]

THIRD SCHEDULE.

REGULATIONS AS TO GRINDING IN TENEMENT
FACTORY.

(1) Boards to fence the shafting and pulleys, locally known as drum boards, must be provided and kept in proper repair.

(2) Hand rails must be fixed over the drums and kept in proper repair.

(3) Belt guards, locally known as scotchmen, must be provided and kept in proper repair.

(4) Every floor constructed on or after the first day of January one thousand eight hundred and ninety-six must be so constructed and maintained as to facilitate the removal of slush, and all necessary shoots, pits and other conveniences must be provided for facilitating such removal.

(5) Every grinding room or hull established on or after the first day of January one thousand eight hundred and ninety-six must be so constructed that, for the purpose of light grinding, there shall be a clear space of three feet at least between each pair of troughs and, for the purpose of heavy grinding, there shall be a clear space of four feet at least between each pair of troughs and six feet at least in front of each trough.

(6) The sides of all drums in every grinding room or hull must be closely fenced.

(7) Except in pursuance of a special exemption granted by the Secretary of State (a), a grindstone must not be run before any fireplace or in front of another grindstone.

(8) A grindstone erected on or after the first day of January one thousand eight hundred and ninety-six must not be run before any door or other entrance.

Note that the owner is the person responsible for seeing that these regulations are complied with. See s. 88, *ante*, p. 106.

(a) **Special Exemption.**—By Order dated October 25th, 1897, the following exemption was made :

The said regulations shall not apply to the running of any grindstone in front of—

Bolster stones used by table-blade grinders, and
Humping and shank stones used by scissors-grinders.

FOURTH SCHEDULE.

[Sections 90—
92, 96.]

COTTON CLOTH FACTORIES.

*Table.*MAXIMUM LIMITS OF HUMIDITY OF THE ATMOSPHERE
AT GIVEN TEMPERATURES.

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage of Humidity. Saturation=100.
1·9	35	33	80
2·0	36	34	82
2·1	37	35	83
2·2	38	36	83
2·3	39	37	84
2·4	40	38	84
2·5	41	39	84
2·6	42	40	85
2·7	43	41	84
2·8	44	42	84
2·9	45	43	85
3·1	46	44	86
3·2	47	45	86
3·3	48	46	86
3·4	49	47	86
3·5	50	48	86
3·6	51	49	86
3·8	52	50	86
3·9	53	51	86
4·1	54	52	86
4·2	55	53	87
4·4	56	54	87
4·5	57	55	87
4·7	58	56	87
4·9	59	57	88
5·1	60	58	88
5·2	61	59	88
5·4	62	60	88
5·6	63	61	88
5·8	64	62	88

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage of Humidity. Saturation=100.
6.0	65	63	88
6.2	66	64	88
6.4	67	65	88
6.6	68	66	88
6.9	69	67	88
7.1	70	68	88
7.1	71	68.5	85.5
7.1	72	69	84
7.4	73	70	84
7.4	74	70.5	81.5
7.65	75	71.5	81.5
7.7	76	72	79
8.0	77	73	79
8.0	78	73.5	77
8.25	79	74.5	77.5
8.55	80	75.5	77.5
8.6	81	76	76
8.65	82	76.5	74
8.85	83	77.5	74
8.9	84	78	72
9.2	85	79	72
9.5	86	80	72
9.55	87	80.5	71
9.9	88	81.5	71
10.25	89	82.5	71
10.3	90	83	69
10.35	91	83.5	68
10.7	92	84.5	68
11.0	93	85.5	68
11.1	94	86	66
11.5	95	87	66
11.8	96	88	66
11.9	97	88.5	65.5
12.0	98	89	64
12.3	99	90	64
12.7	100	91	64

FORM OF RECORD.

FORM for RECORDING the READINGS of the THERMOMETERS.

Name of Occupier .
 Address of Factory .
 Room { Number or Designation .
 Process carried on .
 Number of Operatives .
 Cubic contents cubic feet.

Date.	READINGS OF THERMOMETERS IN DEGREES FAHRENHEIT.						If no Artificial Humidity is produced in the 24 hours, insert in this column "None."
Year	Between 7 and 8 a.m.		Between 10 and 11 a.m.		Between 3 and 4 p.m.		
Month and Day.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							

(Signed)

Occupier or Manager.

The table of humidity in the above Schedule is taken from an Order of the Secretary of State, dated April 27th, 1893, repealing the table in Sched. A. of the Cotton Cloth Factories Act, 1889. The form of record is a reproduction of Sched. B. of an Order of the Secretary of State, dated February 2nd, 1898, which was substituted for Sched. B. of the Cotton Cloth Factories Act, 1889.

Section 124.]

FIFTH SCHEDULE.

FEES OF CERTIFYING SURGEONS.

PART I.

FEES ON EXAMINATION for CERTIFICATES of FITNESS for EMPLOYMENT.

When the examination is at the factory or workshop -	{ 2s. 6d. for each visit and 6d. for each person after the first five examined at that visit; and also, if the factory or workshop is more than one mile from the surgeon's residence, 6d. for each complete half mile over and above the mile.
When the examination is not at the factory or workshop, but at the residence of the surgeon or at some place appointed by the surgeon for the purpose, and that place as well as the day and hour appointed for the purpose has been published in the prescribed manner -	
{ 6d. for each person examined.	

PART II.

FEES ON EXAMINATION by direction of SECRETARY of STATE or in pursuance of REGULATIONS under this ACT (a).

When the number of hands is under 10	- 2s. 6d. per visit.
" " " " 20	- 3s. "
" " " " 30	- 3s. 6d. "
" " " " 50	- 4s. "
" " " " 75	- 4s. 6d. "
" " " " 100	- 5s. "
" " " " over 100	- 7s. 6d. "

With the addition of 1s for every mile or part of a mile in excess of one mile from the surgeon's residence.

(a) **Amended Fees.**—The Secretary of State, in virtue of the powers vested in him by s. 124 (2) of the Factory and Workshop Act, 1901, has directed (March 2nd, 1904) that the following scale of fees to be paid to a certifying surgeon, in cases where, in pursuance of a direction of the Secretary of State or of regulations made under the said Act, he is required to examine the persons employed in a factory or workshop, be substituted for the scale set out in Part II. of the Fifth Schedule to the Act :

“For each visit, including such examinations, entries in registers, issue of certificates, and other duties as may be required by special rules : (a) When the examination is at a factory or workshop within a mile from the certifying surgeon’s central point, 2s. 6d. for each visit, and 6d. for each person after the first five presented at that visit. (b) When the examination is at a factory or workshop more than a mile from the central point, the above fees with an additional 1s. for each mile or portion of a mile beyond the first mile.”

In the code of Special Rules for Processes in the Manufacture and Decoration of Earthenware and China, issued in November, 1903 (see *post*, p. 289), examinations are required in certain exceptional circumstances to be made at the expense of the workman. For these a special scale of fees has been prescribed by the Secretary of State. The following is the scale, which is to include the examination, entries in the prescribed register, issue of certificates, and other duties required by the special rules :

“For each examination in pursuance of paragraph 6 (casual employment) of Rule 2, 1s. For each examination in pursuance of paragraph 9 (additional examination) of Rule 2, 2s. 6d. For each examination in pursuance of paragraph 11 (non-attendance at monthly examination) of Rule 2, 2s. 6d.

SIXTH SCHEDULE. [Sections 54, 149, 156.]

LIST OF FACTORIES AND WORKSHOPS.

PART I.

Non-Textile Factories.

(1) “*Print works.*”]—“Print works,” (a) that is to say, any premises in which any persons are employed to print figures, patterns or designs upon any cotton, linen, woollen, worsted or silken yarn or upon any woven or felted fabric not being paper ;

(2) “*Bleaching and dyeing works.*”]—“Bleaching and dyeing works” (b), that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping and making up and packing any yarn or cloth of any material or the dressing or finishing of

place or any one or more of such processes or any process incidental thereto are or is carried on ;

(3) "*Earthenware works.*"]—" Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing or assisting in finishing earthenware or china of any description, except bricks and tiles not being ornamental tiles ;

(4) "*Lucifer-match works.*"]—" Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches or in mixing the chemical materials for making them or in any process incidental to making lucifer matches, except the cutting of the wood ;

(5) "*Percussion-cap works.*"]—" Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps or in mixing or storing the chemical materials for making them or in any process incidental to making percussion caps ;

(6) "*Cartridge works.*"]—" Cartridge works," that is to say, any place in which persons work for hire in making cartridges or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges ;

(7) "*Paper-staining works.*"]—" Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand or by rollers worked by steam, water or other mechanical power ;

(8) "*Fustian-cutting works.*"]—" Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting ;

(9) "*Blast furnaces.*"]—" Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on ;

(10) "*Copper mills.*"]—" Copper mills" ;

(11) "*Iron mills.*"]—" Iron mills," that is to say, any mill, forge or other premises in or on which any process is carried on for converting iron into malleable iron, steel or tin plate or for otherwise making or converting steel ;

(12) "*Foundries.*"]—" Foundries," that is to say, iron foundries, copper foundries, brass foundries and other premises or places in which the process of founding or casting any metal is carried on ; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work ;

(13) "*Metal and india-rubber works.*"]—"Metal and india-rubber works," that is to say, any premises in which steam, water or other mechanical power is used for moving machinery employed in the manufacture of machinery or in the manufacture of any article of metal not being machinery or in the manufacture of india-rubber or gutta-percha or of articles made wholly or partially of india-rubber or gutta-percha ;

(14) "*Paper mills.*"] — "Paper mills" (c), that is to say, any premises in which the manufacture of paper is carried on ;

(15) "*Glass works.*"] — "Glass works," that is to say, any premises in which the manufacture of glass is carried on ;

(16) "*Tobacco factories.*"]—"Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on ;

(17) "*Letter-press printing works.*"] — "Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on ;

(18) "*Bookbinding works.*"]—"Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on ;

(19) "*Flax scutch mills.*"]—"Flax scutch mills" ;

(20) "*Electrical stations.*"]—"Electrical stations" (d), that is to say, any premises or that part of any premises in which electrical energy is generated or transformed for the purpose of supply by way of trade or for the lighting of any street, public place or public building or of any hotel or of any railway, mine or other industrial undertaking.

(a) **Print Works.**—In *Hardcastle v. Jones* (1862), 3 B. & S. 153 ; 32 L. J. M. C. 49 ; 7 L. T. 322 ; 11 W. R. 36 ; 9 Jur. (N.S.) 19, a girl was employed in scutching goods which had previously been printed. In the room where she worked only finishing was done, but it had direct internal communication with a print works where the actual printing was done :—*Held*, that she was employed in a print works.

(b) **Bleaching and Dyeing Works.**—It was held in the case of *Howarth v. Coles* (1862), 12 C. B. (N.S.) 139 ; 31 L. J. M. C. 262, that "the finishing spoken of in the 7th and 11th sections of the 23 & 24 Vict. c. 78 (the Bleaching and Dyeing Act, 1860), refers to the process of finishing which is incidental to dyeing, and not to the dealing with fabrics which are neither bleached nor dyed." The definition in the Act of 1860 was as follows : "Any building, etc., in which females, young persons or children are employed in

the occupation of bleaching, dyeing or finishing of any yarn or cloth," etc. This definition was extended subsequently in order to meet *Howarth v. Coles*, by the repealed Bleaching and Dyeing Acts of 1863 and 1864, and the definition in the Schedule is the combination and amplification of the definitions given in the last-named statutes.

The wideness of the present definition is well illustrated by the case of *Rogers v. Manchester Packing Co.*, [1898] 1 Q. B. 344 ; 62 J. P. 166 ; 67 L. J. Q. B. 310 ; 78 L. T. 17 ; 46 W. R. 350, which dealt with premises where the work carried on consisted exclusively in hooking, lapping, making-up, and packing cloth for exportation. It was there held that such premises are a factory within the meaning of the above definition, notwithstanding the fact that none of such processes are carried on as incidental to bleaching and dyeing.

(c) **Paper Mills.**—In the case of *Coles v. Dickenson* (1864), 16 C. B. (N.S.) 604 ; 32 L. J. M. C. 235 ; 10 L. T. 616 ; 12 W. R. 918, it was held under the Factory Act of 1844, that where cotton waste was manufactured into a material called "half-sluff" at a mill in Manchester, and afterwards sent to a mill belonging to the same owners in Hertfordshire, to be manufactured into paper, the two mills together formed one establishment used solely for the manufacture of paper, and that the mill at Manchester was therefore part of a paper mill and consequently not a textile factory.

(d) **Electrical Stations.**—A workhouse is a "public place," and therefore an engine-house and machinery used for supplying it with light and power by electricity are a factory within the definition (*Mile End Guardians v. Hoare*, [1903] 2 K. B. 483 ; 67 J. P. 395 ; 72 L. J. K. B. 651 ; 89 L. T. 276).

PART II.

Non-Textile Factories and Workshops.

(21) "*Hat works.*"—"*Hat works*" (a), that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on ;

(22) "*Rope works.*"—"*Rope works*" (b), that is to say, any premises being a ropery, ropewalk or rope work in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords or ropes and in which machinery moved by steam, water or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute or tow and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power ;

(23) "*Bakehouses.*"—"*Bakehouses*" (c), that is to say, any places in which are baked bread, biscuits or con-

fectionery from the baking or selling of which a profit is derived ;

(24) "*Lace warehouses.*"]—"Lace warehouses," that is to say, any premises, room or place not included in bleaching and dyeing works as herein-before defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water or other mechanical power ;

(25) "*Shipbuilding yards.*"]—"Shipbuilding yards" (*d*), that is to say, any premises in which any ships, boats or vessels used in navigation are made, finished or repaired ;

(26) "*Quarries.*"]—"Quarries" (*e*), that is to say, any place, not being a mine, in which persons work in getting slate, stone, coprolites or other minerals ;

(27) "*Pit-banks.*"]—"Pit-banks" (*f*), that is to say, any place above ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1887, or the Metalliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts.

(28) Dry cleaning, carpet beating and bottle washing works (*g*).

To this Schedule has been added by s. 1 of the Act of 1907, *post*, p. 229—

(29) Laundries carried on by way of trade or for the purpose of gain (*h*), or carried on as ancillary to another business or incidentally to the purposes of any public institution.

(*a*) **Hat Works.**—Where textile material undergoes a process of manufacture preparatory to its being made into hats, it would seem that, having regard to the case of *Coles v. Dickenson*, *supra*, p. 218, such preparatory process would constitute the factory a hat works and not a textile factory.

(*b*) **Rope Works.**—A rope works in which the material is spun into yarn, and then laid or twisted into rope or twine by steam or water power, is a textile factory. See s. 149, *ante*, p. 184. But a rope works in which the yarn is only laid or twisted into rope or twine by steam or water power, and which has no internal communication with a factory in which the yarn has been spun, will be a non-textile factory. If the yarn be laid or twisted by hand-wheels the premises will be a workshop.

(*c*) **Bakehouses** are divided into wholesale bakehouses and retail bakehouses. In wholesale bakehouses all regulations are

enforced by the inspector of factories, as also in retail bakehouses in which power is used. In the other retail bakehouses the regulations as to hours of work, meals, and as to holidays, are enforced by the inspector of factories. The cleanliness, etc., is under the supervision of the district council. For the special enactments affecting bakehouses, see ss. 97—102, *ante*.

(d) **Shipbuilding Yards.**—The express inclusion of shipbuilding yards in the list of non-textile factories and workshops was rendered necessary by the decision of the Court of Queen's Bench in the case of *Palmer's Shipbuilding Co. v. Chaytor* (1869), L. R. 4 Q. B. 209 ; 38 L. J. M. C. 63 ; 19 L. T. 638 ; 17 W. R. 401, in which it was held that the word "article" in the Factory Act, 1867, was not meant to apply to a ship, and a doubt was expressed as to whether a person could be said to be employed in a factory merely because he was employed in some department of shipbuilding, although there might be articles the manufacture of which in a shipbuilding yard would constitute the place a factory.

The mere fact that repairs are being done to a ship in a dock does not make the dock a shipbuilding yard. Thus in *Spencer v. Livett*, [1900] 1 Q. B. 498 ; 64 J. P. 196 ; 69 L. J. Q. B. 338 ; 82 L. T. 75 ; 48 W. R. 323, a vessel lying in Southampton inner dock was about to be repaired and painted inside, and for that purpose her ballast was being discharged, during which operation the plaintiff was injured. The Court of Appeal held that the dock was not a shipbuilding yard.

(e) **Quarries.**—It was held in the case of *Kent v. Astley* (1869), L. R. 5 Q. B. 19 ; 39 L. J. M. C. 3 ; 21 L. T. 425 ; 18 W. R. 185, that a slate quarry occupying with its accessories a large tract of land uninclosed and approachable by no definite road or entrance, and furnished with covered sheds to which the rough blocks of material when raised were conveyed, and there converted by a manufacturing process into slabs, flags, and other saleable articles, was not a factory within the meaning of 30 & 31 Vict. c. 103. *Cf. Redgrave v. Lee* (1874), L. R. 9 Q. B. 363 ; 43 L. J. M. C. 105 ; 30 L. T. 519 ; 22 W. R. 857. These cases are, however, now superseded by the express inclusion of quarries among non-textile factories. For special regulations with regard to quarries, see the Quarries Act, 1894, *post*, p. 237.

(f) **Pit Banks.**—The employment of women above ground is not under any restriction under the Metalliferous Mines Regulation Act, and consequently all labour above ground at a metalliferous mine will be subject to the provisions of this Act.

The employment of women above ground is under restrictions by the Coal Mines Regulation Act: for instance, a woman may not be employed between 9 p.m. and 5 a.m., nor on Sundays, nor after 2 p.m. on Saturdays, and due intervals must be allowed for meals.

If women only be employed in connection with a metalliferous mine, or in connection with a coal mine, in such circumstances as to exclude them from the operation of the Coal Mines Regulation

Act, and their labour be not in connection with a steam engine or other mechanical power, they will then be subject only to the provisions of s. 29, *ante*, p. 48. If children or young persons are also employed, then the mine will be subject to the whole of the provisions of this Act.

(g) **Bottle Washing Works.**—In *Kavanagh v. Caledonian Rail. Co.* (1903), 5 Fraser, 1128, the wine cellars of a hotel were used primarily for the storage of wine, but a certain number of bottles were corked and washed there, water power from a tap being used if necessary. The corking and washing were ancillary to the main object of the cellars, viz., storage :—*Held*, that the cellars were not a bottle washing works.

(h) **By way of Trade, etc.**—For the meaning of this expression, see note (i) to s. 149, *ante*, p. 187, and the case of *Caledonian Rail. Co. v. Paterson*, *ante*, p. 188.

SEVENTH SCHEDULE.

[Section 161.]

PART I.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT
OF THIS ACT.

Session and Chapter.	Title of Act.	Extent of Repeal.
41 & 42 Vict. c. 16	The Factory and Workshop Act, 1878.	The whole Act.
46 & 47 Vict. c. 53	The Factory and Workshop Act, 1883.	The whole Act.
52 & 53 Vict. c. 62	The Cotton Cloth Factories Act, 1889.	The whole Act.
54 & 55 Vict. c. 75	The Factory and Workshop Act, 1891.	The whole Act except sections eight, nine, ten and twelve and the First Schedule.
58 & 59 Vict. c. 37	The Factory and Workshop Act, 1895.	The whole Act except section twelve, sub-section three of section twenty-four and section twenty-eight.
60 & 61 Vict. c. 58	The Cotton Cloth Factories Act, 1897.	The whole Act.
63 & 64 Vict. c. 27	The Railway Employment (Prevention of Accidents) Act, 1900.	In sub-section three of section thirteen the words "factory workshop or" wherever they occur and the words "the occupier of the factory or workshop or."

PART II.

ENACTMENTS REPEALED FROM A DATE TO BE FIXED BY
ORDER (a) OF THE SECRETARY OF STATE.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 75	The Factory and Workshop Act, 1891.	Sections eight, nine, ten and twelve and the First Schedule.
58 & 59 Vict. c. 37	The Factory and Workshop Act, 1895.	Section twelve. Sub-section three of section twenty-four. Section twenty-eight.

The above provisions of the old Acts are set out on the next and following pages.

(a) No such Order has yet been made.

THE FACTORY AND WORKSHOP ACT, 1891.

(54 & 55 VICT. c. 75.)

[*The following provisions of the Acts of 1891 and 1895 are temporarily preserved by Schedule 7, Part II., of the Act of 1901, the object being to preserve the Special Rules made thereunder until such time as inquiries can be held, and new regulations made, under the present Act. The Special Rules are set out at pp. 288, et seq., post.*]

SPECIAL RULES AND REQUIREMENTS.

8. *Special rules and requirements as to dangerous and unhealthy incidents of employment.*—(1) Where the Secretary of State certifies that in his opinion any machinery or process or particular description of manual labour used in a factory or workshop (other than a domestic workshop) is dangerous (a) or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, or that the provision for the admission of fresh air is not sufficient, or that the quantity of dust generated or inhaled in any factory or workshop is dangerous or injurious to health, the chief inspector may serve on the occupier of the factory or workshop a notice in writing, either proposing such special rules or requiring the adoption of such special measures as appear to the chief inspector to be reasonably practicable and to meet the necessities of the case.

(2) Unless within twenty-one days after receipt of the notice the occupier serves on the chief inspector a notice in writing that he objects to the rules or requirement, the rules shall be established, or, as the case may be, the requirement shall be observed.

(3) If the notice of objection suggests any modification of the rules or requirement, the Secretary of State shall consider the suggestion and may assent thereto with or without any further modification which may be agreed on between the Secretary of State and the occupier, and thereupon the rules shall be established, or, as the case

may be, the requirement shall be observed, subject to such modification.

(4) If the Secretary of State does not assent to any objection or modification suggested as aforesaid by the occupier, the matter in difference between the Secretary of State and the occupier shall be referred to arbitration under this Act, and the date of the receipt of the notice of objection by the Secretary of State shall be deemed to be the date of the reference, and the rules shall be established, or the requisition shall have effect, as settled by an award on arbitration.

(5) Any notice under this section may be served by post.

(6) With respect to arbitrations under this Act the provisions in the First Schedule to this Act shall have effect (*b*).

(7) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of this section.

(*a*) **Dangerous Processes.**—For the special rules at present in force, see pp. 288, *et seq.*, *infra*.

(*b*) *Infra*, p. 225.

9. Penalty for contravention of special rules or requirement.]—(1) If any person who is bound to observe any special rules established for any factory or workshop under this Act acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable on summary conviction to a fine not exceeding ten pounds, unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the rules to prevent the contravention or non-compliance.

(2) A factory or workshop in which there is a contravention of any requirement made under this Act shall be deemed not to be kept in conformity with the principal Act.

10. Amendment of special rules.]—(1) After special rules are established under this Act in any factory or

workshop, the Secretary of State may from time to time propose to the occupier of the factory or workshop any amendment of the rules or any new rules; and the provisions of this Act with respect to the original rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules.

(2) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the approval of the Secretary of State, any amendment of the rules or any new rules, and the provisions of this Act with respect to a suggestion of an occupier for modifying the special rules proposed by a chief inspector shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to such a suggestion.

12. *Certified copies of special rules to be evidence.*—An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act for any factory or workshop, and a copy so certified shall be evidence (but not to the exclusion of other proof) of those special rules, and of the fact that they are duly established under this Act.

FIRST SCHEDULE.

[Sections 7, 8.]

1. The parties to the arbitration are in this Schedule deemed to be the occupiers of the factory or workshop on the one hand and the chief inspector, on behalf of the Secretary of State, on the other.

2. Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

3. No person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

4. The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.

5 The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this Schedule.

6. If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

7. If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

8. In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

9. If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.

10. The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

11. If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

12. If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

13. The decision of every umpire on the matters referred to him shall be final.

14. If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

15. Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

16. The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.

17. The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a Master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under the principal Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of non-payment be recovered in the same manner as fines under the principal Act.

FACTORY AND WORKSHOP ACT, 1895. (58 & 59 VICT. c. 37.)

[*See preliminary note to Act of 1891, supra, p. 223.*]

12. *Representation of workmen on arbitration as to special rules.*—Where any matter in difference is referred to arbitration under section eight of the Act of 1891, the arbitrators or umpire may, on the application of any of the workmen employed in the class of employment to which the arbitration relates, and on such security, if any, as may appear to the arbitrators or umpire sufficient to provide for the costs of and consequential on the application, appoint any person to represent the workmen, or any class of them, on the arbitration, and any person so appointed shall be entitled to attend and take part in the proceedings of the arbitration either in person or by his counsel, solicitor, or agent to such extent and in such manner as the arbitrators or umpire may direct, and shall be subject to the same liability with respect to such costs as aforesaid as if he were a party to the arbitration.

24. *Tenement factories.*—(3) Sections eight to eleven of the Act of 1891, shall, if and as far as in the case of a tenement factory the Secretary of State by order so directs, apply as if the owner of the factory were substituted for the occupier.

SPECIAL RESTRICTIONS AS TO EMPLOYMENT.

28. *Power to prohibit or restrict employment in dangerous trade.*—(1) Section eight of the Act of 1891 shall extend to authorise the making of special rules or requirements prohibiting the employment of, or modifying or limiting the period of employment for, all or any classes of persons in any process or particular description of manual labour which is certified by the Secretary of State in pursuance of that section to be dangerous or injurious to health, or dangerous to life or limb. Provided that any special rules or requirements under this section which relate to the employment or period of employment of adult workers shall be laid for forty days before both Houses of Parliament before coming into operation.

(2) Sections eight to twelve of the Act of 1891 are hereby declared to extend to workshops conducted on the system of not employing any child, young person, or woman therein.

THE FACTORY AND WORKSHOP ACT, 1907.

(7 EDW. 7, c. 39).

ARRANGEMENT OF SECTIONS.

LAUNDRIES.

Section.

1. Application of 1 Edw. 7, c. 22, to laundries.
2. Hours of employment of women and young persons in laundries.
3. Special regulations to be complied with in laundries.
4. Application of provisions as to domestic workshops.

INSTITUTIONS.

5. Application of Factory and Workshop Acts to certain institutions.

SUPPLEMENTAL.

6. Inspection of certain premises.
7. Short title, construction, commencement, and repeal.

An Act to amend the Factory and Workshop Act, 1901, with respect to Laundries, and to extend that Act to certain Institutions and to provide for the inspection of certain premises. [28th August 1907.]

LAUNDRIES.

1. *Application of 1 Edw. 7, c. 22 to laundries.*]—The Factory and Workshop Act, 1901 (which Act, as amended by any subsequent enactment, including this Act, is herein-after referred to as the principal Act), shall, subject to the provisions of this Act, apply to laundries as if at the end of Part II. of the Sixth Schedule to that Act (*a*), enumerating non-textile factories and workshops, the following paragraph were added :

“(29) Laundries carried on by way of trade or for the purpose of gain (*b*), or carried on as ancillary to another business (*c*) or incidentally to the purposes of any public institution” (*d*).

The effect of the section is that the laundries mentioned are non-textile factories if steam, water, or other mechanical power is used in aid of the processes carried on (see s. 149 of the Act of 1901, *ante*, p. 184), and otherwise are workshops. The whole of

the general law regarding non-textile factories and workshops is therefore applicable to them, except in so far as it is altered by the subsequent sections of this Act.

(a) *Ante*, p. 219.

(b) **By way of Trade or for the Purpose of Gain.**—For the meaning of this expression, see note (i) to s. 149 of the Act of 1901, *ante*, p. 187, and note (c) below. Its effect here is to exclude from the Factory Acts the laundries of private houses, in which the linen, etc. of the family, servants, and visitors is washed.

(c) **Ancillary to another Business.**—These words overrule the case of *Caledonian Rail. Co. v. Paterson* (1898), 1 Fraser (J. C.) 24, in which the facts were that a hotel had a laundry attached to it in which were washed the hotel linen, the hotel servants' clothes and visitors' clothes, the latter being paid for in the ordinary way. The Court of Justiciary in Scotland held that this laundry was not carried on by way of trade or for purposes of gain, and was not, therefore, a factory or workshop within the now repealed s. 103 of the Act of 1901, *ante*, p. 120.

(d) **Public Institution.**—These words seem to bring the laundries of hospitals, etc., within the Act.

2. Hours of employment of women and young persons in laundries.—(1) In laundries, other than laundries ancillary to a business carried on in any premises which, apart from the provisions of this Act, are a factory or workshop,—

(a) The period of employment of women may on any three days in the week, other than Saturday, begin at six o'clock in the morning and end at seven o'clock in the evening, or begin at seven o'clock in the morning and end at eight o'clock in the evening, or begin at eight o'clock in the morning and end at nine o'clock in the evening:

Provided that a corresponding reduction is made in the periods of employment on other days of the week, so that the total number of hours of the periods of employment of women, including the intervals allowed for meals, shall not exceed sixty-eight in any one week (a);

(b) Where the occupier of a laundry so elects, the following provisions shall apply to the laundry in lieu of the provisions of the last preceding paragraph:

The period of employment of women may, on not more than four days, other than Saturday, in any one week (a), and on not more than

sixty days in any calendar year, begin at six o'clock in the morning and end at seven o'clock in the evening, or begin at seven o'clock in the morning and end at eight o'clock in the evening, or begin at eight o'clock in the morning and end at nine o'clock in the evening ;

(c) Different periods of employment may be fixed for different days of the week.

(2) The foregoing provisions of this section shall be deemed to be special exceptions within the meaning of section sixty of the principal Act (b), but it shall not be lawful for the occupier of a laundry to change from the system of employment under the above paragraph (a) to the system of employment under the above paragraph (b), or vice versâ, oftener than once a year. The entry required to be made in the prescribed register (c) by sub-section four of the said section sixty as so applied shall, in the case of overtime employment under paragraph (b), be made before the commencement of the overtime employment on each day on which it is intended that there should be such employment, and, in reckoning the sixty days for the purposes of paragraph (b), every day on which any woman had been employed overtime shall be taken into account.

(3) Subject as aforesaid, the provisions of the principal Act as to hours of employment (d) shall apply to laundries.

The business of a laundry usually involves a press of work on certain days of the week and much less on others. This section enables the hours of women workers to be arranged to suit these conditions, provided that the maximum number of hours per week allowed by s. 26 of the Act of 1901, *ante*, p. 44, is not exceeded.

Young Persons and Children.—This section applies only to women. The hours of young persons and children are those fixed by ss. 26 and 27 of the Act of 1901.

(a) **Week.**—For definition, see s. 156 of the Act of 1901, *ante*, p. 197.

(b) *Ante*, p. 79.

(c) **Prescribed Register.**—See s. 129 of the Act of 1901, *ante*, p. 165.

(d) *I.e.*, ss. 23, 26, 27, 29—32, 47, 48. But the whole of the general law with regard to non-textile factories and workshops now applies to laundries, except as provided by this Act.

3. *Special regulations to be complied with in laundries*]—
In every laundry—

- (a) If mechanical power (*a*) is used, a fan or other efficient means shall be provided, maintained, and used for regulating the temperature (*b*) in every ironing room, and for carrying away the steam (*c*) in every washhouse ;
- (b) All stoves for heating irons must be sufficiently separated from any ironing room or ironing table, and gas irons emitting any noxious fumes must not be used (*c*) ; and
- (c) The floors must be kept in good condition and drained in such manner as will allow the water to flow off freely (*d*).

A laundry in which there is a contravention of any of these provisions shall be deemed to be a factory or workshop not kept in conformity with the principal Act (*e*).

This section reproduces s. 103 (3) of the Act of 1901, which, however, only applied to laundries which were factories.

(a) **Mechanical Power.**—For the meaning of this expression, see note (*c*) to s. 149 of the Act of 1901, *ante*, p. 187.

(b) **Regulation of Temperature.**—The provisions of s. 6 of the Act of 1901, *ante*, p. 17, as to temperature, must also be observed.

(c) **Ventilation, etc.**—The provisions of s. 6 (temperature) and 7 (ventilation) of the Act of 1901, *ante*, pp. 17, 18, must also be observed. In addition to this, if the nature or amount of the steam or fumes is such as to render them injurious to health, the inspector can direct special means of ventilation to be adopted under s. 74 of the Act of 1901, *ante*, p. 94, even if the laundry is a workshop.

(d) **Drainage of Floors.**—The effect of this sub-section is much the same as that of s. 8 of the Act of 1901, *ante*, p. 19. The only difference is in the case of laundries that are workshops, for there an offence under the Act of 1901 is punishable under the Public Health Acts, and one against this Act is punishable under the Factory Acts.

(e) **Penalty.**—See s. 135 of the Act of 1901, *ante*, p. 172.

4. *Application of provisions as to domestic workshops*]—
Sub-section (2) of section one hundred and fourteen of the principal Act (*a*) (which provides that certain domestic workshops are not to be deemed workshops within the meaning of that Act) shall apply to laundries as if for the words “the altering, repairing, ornamenting, or finishing of any article” there were substituted the words “the

altering, repairing, ornamenting, washing, cleaning, or finishing of any article.”

(a) *Ante*, p. 141.

INSTITUTIONS.

5. *Application of Factory and Workshop Acts to certain institutions.*—(1) Where in any premises forming part of an institution carried on for charitable or reformatory purposes, and not being premises subject to inspection by or under the authority of any Government department, any manual labour is exercised in or incidentally to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, the provisions of the principal Act shall, subject to the provisions of this Act, apply to those premises, notwithstanding that the work carried on therein is not carried on by way of trade or for the purposes of gain (a), or that the persons working therein are not working under a contract of service or apprenticeship.

(2) If in any institution to which this section applies the persons having the control of the institution (hereinafter referred to as the managers) satisfy the Secretary of State that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that such work as aforesaid is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Secretary of State may by order (b) direct that so long as the order is in force the principal Act shall apply to the institution subject to the following modifications :

(a) The managers may submit for the approval of the Secretary of State a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the workers, and of the education of children, and, if the Secretary of State is satisfied that the provisions of the scheme are not less favourable than the corresponding provisions of the principal Act, the Secretary of State may approve the scheme, and upon the scheme being so approved the principal Act

shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of the principal Act ; any scheme when so approved shall be laid as soon as possible before both Houses of Parliament, and if either House, within the next forty days after such scheme has been laid before that House, resolve that the scheme ought to be annulled, the scheme shall, after the date of the resolution, be of no effect without prejudice to the validity of anything done in the meantime thereunder, or to the making of any new scheme ;

- (b) The medical officer of the institution (if any) may, on the application of the managers, be appointed by the chief inspector of factories to be the certifying surgeon (*c*) for the institution ;
- (c) The provisions of section one hundred and twenty-eight of the principal Act (*d*) as to the affixing of an abstract of the principal Act and of notices shall not apply, but amongst the particulars required to be shown in the general register (*e*) there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals, and holidays, and education of children, and other matters dealt with in the principal Act ;
- (d) In the case of premises forming part of an institution carried on for reformatory purposes, if the managers of the institution so give notice to the chief inspector of factories, an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of such person as aforesaid :

Provided that the Secretary of State, on being satisfied that there is reason to believe that a contravention of the principal Act is taking place in any such institution, may suspend the operation of this provision as respects that institution to such extent as he may consider necessary ;

- (e) The managers shall, not later than the fifteenth day of January in each year, send to the Secretary of State a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as the Secretary of State may require, and shall, if any requirement of this paragraph is not complied with, be liable to a fine (*f*) not exceeding five pounds.

This section, which is new, brings within the Factory Acts the laundries, etc. carried on for charitable or reformatory purposes in certain rescue homes, convents, etc., provided that they are not already subject to Government inspection, in which case they come under s. 6, *post*.

Note that laundries for the sole use of the institution and its inmates are domestic laundries and not within the Acts.

(a) **By way of Trade or for the Purposes of Gain.**—For the meaning of this expression see note (*i*) to s. 149 of the Act of 1901, *ante*, p. 187.

(b) **Order.**—In pursuance of this sub-section certain Orders have been made directing that the Acts of 1901 and 1907 shall apply to the institutions named in such Orders subject to the modifications specified in the said sub-section.

(c) **Certifying Surgeon.**—See s. 122 of the Act of 1901, *ante*, p. 161.

(d) *Ante*, p. 164.

(e) **General Register.**—See s. 129 of the Act of 1901, *ante*, p. 165.

(f) **Fine.**—Recoverable summarily. See s. 144 of the Act of 1901, *ante*, p. 180.

SUPPLEMENTAL.

6. *Inspection of certain premises.*—Where in any premises, which are subject to inspection by or under the authority of any Government department, any manual labour is exercised, otherwise than for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of any article, and the premises do not constitute a factory or workshop by reason that the work carried on therein is not carried on by way of trade or for the purposes

of gain, or by reason that the persons employed in the work are not working under a contract of service or apprenticeship, the Secretary of State may arrange with the department that the premises shall, as respects the matters dealt with by the principal Act, be inspected by an inspector appointed under that Act, and where such an arrangement is made, inspectors appointed under the principal Act shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors of the department concerned (*a*).

This section enables the Secretary of State to avail himself of the services of the factory inspectors in the management of the institutions referred to as regards such matters as are within their experience.

(*a*) **Powers of Inspectors.**—It is not clear whether the powers given to the inspectors by this section are in addition to or in substitution for those conferred upon them by s. 119 of the Act of 1901, *ante*, p. 158. Probably the latter.

7. *Short title, construction, commencement, and repeal.*]—

(1) This Act may be cited as the Factory and Workshop Act, 1907, and shall be construed as one with the Factory and Workshop Act, 1901, and the Factory and Workshop Act, 1901, and this Act may be cited together as the Factory and Workshop Acts, 1901 and 1907.

(2) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

(3) Section one hundred and three of the Factory and Workshop Act, 1901, is hereby repealed.

THE QUARRIES ACT, 1894.

(57 & 58 VICT. c. 42.)

An Act to provide for the better Regulation of Quarries.

[25th August 1894.]

1. *Application of Act.*—This Act shall apply to every place (not being a mine) in which persons work in getting slate, stone, coprolites, or other minerals, and any part of which is more than twenty feet deep, and every such place is in this Act referred to as a quarry under this Act (a).

(a) The control of quarries and adjacent works is by this Act transferred to the inspectors of mines (see s. 3), though they may be factories or workshops under Sched. 6, Part II., of the Act of 1901.

2. *Application to quarries of certain provisions of 35 & 36 Vict. c. 77, 38 & 39 Vict. c. 39, 54 & 55 Vict. c. 47.*—

(1) The provisions of the Metalliferous Mines Regulation Acts, 1872 and 1875, and the Metalliferous Mines (Isle of Man) Act, 1891, specified in the Schedule to this Act, shall, subject to the modifications therein specified, apply in the case of every quarry under this Act in like manner as they apply in the case of a mine.

(2) The inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875, shall be inspectors of the quarries under this Act.

(3) In the appointment of such inspectors in Wales and Monmouthshire among candidates equally qualified persons having a knowledge of the Welsh language shall be preferred.

3. *Modifications of application of Factory Acts to quarries.*—In the application of the Factory and Workshop Acts, 1878 to 1891, and of any future Act amending the same, to quarries under this Act, the following modifications shall be made :

(a) In every such quarry the powers of the inspectors under those Acts shall be transferred to and exercised by the inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875 ;

(b) Sections thirty-one and thirty-two of the Factory and Workshop Act, 1878 (*a*), shall not apply to any such quarry ;

(c) Nothing in section fifty-eight of the Factory and Workshop Act, 1878 (*b*), shall prevent the employment in any such quarry of young persons in three shifts for not more than eight hours each.

(*a*) Now s. 20 of the Act of 1901, and s. 4 of the Notice of Accidents Act, 1906.

(*b*) Now s. 54 of the Act of 1901.

4. *Commencement of Act.*]—This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-five.

5. *Short title.*]—This Act may be cited as the Quarries Act, 1894.

Section 2.]

SCHEDULE.

PROVISIONS OF METALLIFEROUS MINES ACTS APPLIED TO QUARRIES.

Metalliferous Mines Regulation Act, 1872 (35 & 36 Vict. c. 77) :

Section nine.

Section eleven, with the substitution of the word “ explosive ” for the word “ powder.”

Sections fifteen to eighteen.

Sections twenty to twenty-two.

Sections twenty-four to forty.

In section forty-one, the definitions of “ owner ” and “ agent,” and the definition of “ court of summary jurisdiction ” so far as it relates to Scotland.

Sections forty-two and forty-three.

Metalliferous Mines Regulation Act, 1875 (38 & 39 Vict. c. 39) :

Section one, except the proviso.

Metalliferous Mines (Isle of Man) Act, 1891 (54 & 55 Vict. c. 47) :

Section one.

THE NOTICE OF ACCIDENTS ACT, 1906.

(6 EDW. 7, c. 53.)

An Act to amend the Law relating to Returns and Notifications of Accidents in Mines, Quarries, Factories, and Workshops, and under the Notice of Accidents Act, 1894.
[21st December 1906.]

* * * * *

4. *Notices of accidents in factories and workshops.*]—

(1) Where any accident (a) occurs in a factory or workshop which is either—

- (a) an accident causing loss of life to a person employed (b) in the factory or workshop ; or
- (b) an accident due to any machinery moved by mechanical power (c), or to molten metal, hot liquid, explosion, escape of gas or steam, or to electricity, and so disabling any person employed in the factory or workshop as to cause him to be absent throughout at least one whole day from his ordinary work (d) ; or
- (c) an accident due to any other special cause which the Secretary of State may specify by order (e), and causing such disablement as aforesaid ; or
- (d) an accident disabling for more than seven days a person employed in the factory or workshop from working at his ordinary work,

written notice of the accident, in such form and accompanied by such particulars as the Secretary of State prescribes, shall forthwith be sent to the inspector of the district and also in the case of the accidents mentioned in paragraphs (a) and (b) of this sub-section, and (if the order of the Secretary of State specifying the special cause so requires) of accidents mentioned in paragraph (c), to the certifying surgeon of the district.

(2) If any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the inspector as soon as the death comes to the knowledge of the occupier of the factory or workshop.

(3) If any notice with respect to an accident in a factory or workshop required to be sent by this section is not sent as so required, the occupier (*f*) of the factory or workshop shall be liable to a fine (*g*) not exceeding ten pounds.

(4) If any accident to which this section applies occurs to a person employed in a factory or workshop the occupier of which is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine (*g*) not exceeding five pounds.

(5) The foregoing provisions of this section shall be substituted for section nineteen of the Factory and Workshop Act, 1901.

This section extends and alters the repealed s. 19 of the Act of 1901, *ante*, p. 36. It extends to docks, wharves, warehouses, etc. (s. 104, *ante*, p. 122), certain buildings (s. 105, *ante*, p. 127), and railway lines and sidings used in connection with factories (s. 106, *ante*, p. 131), and to the case of certain industrial diseases in factories or workshops (s. 73 (3), *ante*, p. 94), but not to domestic factories or workshops (s. 111, *ante*, p. 140).

Notice of cases of anthrax and of certain cases of poisoning must be sent to the inspector and also to the certifying surgeon. See s. 73, *ante*, p. 94.

A register of accidents must be kept at the factory. See s. 129 (1), *ante*, p. 165. And notice of certain explosions must be given to the Secretary of State. See s. 63 of the Explosives Act, 1875, *post*, p. 371.

(a) **Accident.**—The word “accident” has been judicially interpreted in a number of cases decided under s. 1 of the Workmen’s Compensation Act, 1897, but it does not necessarily follow that the same construction would be put upon it here.

At first a narrow construction was put upon the word. In *Hamilton, Fraser & Co. v. Pandorf & Co.* (1887), 12 App. Cas. 518 ; 52 J. P. 196 ; 57 L. J. Q. B. 24 ; 57 L. T. 726 ; 36 W. R. 369, Lord HALSBURY, L.C. (when discussing the meaning of a clause in a charter-party), said : “I think the idea of something fortuitous and unexpected is involved in the word ‘accident.’” Following this dictum the Court of Appeal held that there was no “accident” in the following cases : A workman who was suffering from chronic disease of the stomach was pulling at a fly-wheel when he ruptured his stomach and died. But for the disease the rupture would not have occurred (*Hensey v. White*, [1900] 1 Q. B. 481 ; 63 J. P. 804 ; 69 L. J. Q. B. 188 ; 81 L. T. 767 ; 48 W. R. 257). A workman who had a blistered finger was screwing the joints of a steam pipe together. Some of the red lead from the packing got into the blister and severely injured the finger (*Walker v. Lillieshall Coal Co., Limited*, [1900] 1 Q. B. 488 ; 69 L. J. Q. B. 192 ; 81 L. T. 769 ; 48 W. R. 258). A female boxmaker was working at larger and heavier boxes than

usual. In so doing she strained herself internally (*Roper v. Greenwood & Sons* (1900), 83 L. T. 471).

But in *Fenton v. Thorley & Co., Limited*, [1903] A. C. 443 ; 72 L. J. K. B. 787 ; 89 L. T. 314 ; 52 W. R. 81, where a workman ruptured himself in trying to turn a wheel, the House of Lords overruled the last three cases, and held that the word "accident" in the Workmen's Compensation Act is used in its popular and ordinary sense, and means "an unlooked-for mishap or an untoward event which is not expected or designed." They accordingly decided that the case before them was an "accident."

The following are some further examples of occurrences which have been held to be accidents. A workman with a gouty arm was holding a piece of iron on an anvil. The iron was struck too far up, so that his arm was jarred and swelled so as to prevent him working (*Lloyd v. Sugg & Co.*, [1900] 1 Q. B. 486 ; 69 L. J. Q. B. 190 ; 81 L. T. 768 ; 48 W. R. 258). A stack of planks became stuck together by frost, and a workman ruptured himself in trying to lift one off (*Timmins v. Leeds Forge Co., Limited* (1900), 83 L. T. 120). A collier was kneeling at his work when a piece of coal penetrated the skin of his knee and set up blood poisoning (*Thompson v. Ashington Coal Co., Limited* (1901), 65 J. P. 356 ; 84 L. T. 412). A collier strained his back in attempting to replace a coal trolley, which the driver had carelessly thrown off the rails (*Stewart v. Wilsons and Clyde Coal Co., Limited* (1902), 5 Fraser, 120). A man carrying a heavy beam on his shoulder gave it an extra lift to adjust its balance, and in so doing tore the muscles of his back (*Boardman v. Scott and Whitworth*, [1902] 1 K. B. 43 ; 66 J. P. 260 ; 71 L. J. K. B. 3 ; 85 L. T. 502 ; 50 W. R. 184). A workman burst a blood vessel in his brain through over-exertion in lifting a weight (*M'Innes v. Dunsmuir*, [1908] Sess. Cas. 1021). And in *Higgins v. Campbell and Harrison, Limited*, and *Brintons, Limited v. Turvey*, [1905] A. C. 230 ; 74 L. J. K. B. 474 ; 92 L. T. 578 ; 53 W. R. 641, the Court of Appeal and House of Lords held that Higgins, a wool porter, and Turvey, a wool sorter, who had each caught anthrax from the wool they had to handle, were injured by "accident."

On the other hand the Court of Appeal have held that injury to a miner's hand or knee called "beat hand" or "beat knee" caused by the long and gradual friction upon the hand or knee during work is not injury by "accident" (*Marshall v. East Holywell Coal Co.* and *Gorley v. Backworth Collieries* (1905), 93 L. T. 360 ; 21 T. L. R. 494). A similar decision was given by them in the case of a workman whose employment necessitated the handling of white and red lead, and who gradually accumulated lead in his system, with the ultimate result that he suffered from lead poisoning, which produced partial paralysis (*Steel v. Cammell, Laird & Co.*, [1905] 2 K. B. 232 ; 74 L. J. K. B. 610 ; 93 L. T. 357 ; 53 W. R. 612), and in *Broderick v. London County Council*, [1908] 2 K. B. 807, the same court held that a sewerman who contracted enteritis from inhaling sewer gas in the course of his employment was not injured by accident.

As regards compensation to workmen many of these cases are of no importance now, since the Workmen's Compensation Act, 1906,

s. 8 and Sched. 3, and an Order of the Secretary of State made thereunder on May 22nd, 1907, allow compensation in the case of many of the industrial diseases.

(b) **Employed.**—For the meaning of this expression, see s. 147 (1) and note (a) to s. 152 of the Act of 1901, *ante*, pp. 182, 195.

(c) **Mechanical Power.**—For the meaning of this expression, see note (c) to s. 149 of the Act of 1901, *ante*, p. 187.

(d) **“Ordinary Work.”**—In *Lakeman v. Stevenson* (1868), L. R. 3 Q. B. 192 ; 37 L. J. M. C. 58 ; 18 L. T. 539 ; 16 W. R. 509, it was held that where an injured person came back to work temporarily upon something which was not his ordinary work, and could not in fact do his ordinary work, he was “prevented from returning to his work” within s. 22 of 7 & 8 Vict. c. 15, one of the numerous Acts which were consolidated in the Act of 1878.

(e) **Order.**—No such Order is at present (January, 1909) in force.

(f) **Occupier.**—For the meaning of this expression, see note (n) to s. 104, and note (h) to s. 105 of the Act of 1901, *ante*, pp. 125, 129.

(g) **Fine.**—Recoverable summarily. See s. 144 of the Act of 1901, *ante*, p. 180.

5. Power to extend provisions as to notice of accidents to dangerous occurrences.]—(1) If the Secretary of State considers that, by reason of the risk of serious injury to persons employed, it is expedient that notice should be given under this Act in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant, or other occurrences in a mine or quarry, or in a factory or workshop, including any place which for the purpose of the provisions of the Factory and Workshop Act, 1901, with respect to accidents is a factory or workshop, or is included in the word “factory” or “workshop,” or is part of a factory or workshop, the Secretary of State may by order (a) extend the provisions of this Act requiring notice of accidents to be given to an inspector to any such class of occurrences, whether personal injury or disablement is caused or not, and, where any such order is made, the provisions of this Act shall have effect as extended by the order.

(2) The Secretary of State may by any such order allow the required notice of any occurrence to which the order relates, instead of being sent forthwith, to be sent within the time limited by the order.

This is a new provision.

(a) **Special Order.**—By Order dated December 22nd, 1906, the Secretary of State has extended these provisions to the

following classes of occurrences in a factory or workshop (including any place which for the purpose of the provisions of the Factory and Workshop Act, 1901, with respect to accidents is a factory or workshop, or is included in the word factory or workshop, or is part of a factory or workshop) whether personal injury or disablement is caused or not :—

All cases of—

- bursting of a revolving vessel, wheel, emery wheel, or grindstone moved by mechanical power ;
- breaking of a rope, chain, or other appliance used in raising or lowering persons or goods by aid of mechanical power ;
- fire affecting any room in which persons are employed and causing complete suspension of ordinary work therein for not less than twenty-four hours.

7. *Repeal, construction, and short title.*]—(1) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) This Act may be cited as the Notice of Accidents Act, 1906, and shall come into operation on the first day of January nineteen hundred and seven, but the Secretary of State may appoint a later date (not being later than the first day of January one thousand nine hundred and eight) for any special provision of the Act to come into operation, and, if a later date is so appointed, that special provision shall not come into operation until that later date.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
35 & 36 Vict. c. 77 -	The Metalliferous Mines Regulation Act, 1872.	Section eleven from the beginning to “injured respectively.”
50 & 51 Vict. c. 58 -	The Coal Mines Regulation Act, 1887.	Section thirty-five, subsection one.
57 & 58 Vict. c. 28 -	The Notice of Accidents Act, 1894.	Section one, subsection three.
63 & 64 Vict. c. 27 -	The Railway Employment (Prevention of Accidents) Act, 1900.	Section thirteen, subsection three.
1 Edw. 7, c. 22 -	The Factory and Workshop Act, 1901.	Section nineteen.

THE EMPLOYMENT OF WOMEN ACT,
1907.

(7 EDW. 7, c. 10.)

An Act to repeal section fifty-seven of the Factory and Workshop Act, 1901, and part of section seven of the Coal Mines Regulation Act, 1887, relating to the Employment of Women and Children.

[9th August 1907.]

1. *Repeal of certain provisions as to employment of women.*]—Section fifty-seven of the Factory and Workshop Act, 1901 (which relates to the employment of women in flax scutch mills), and [*certain other enactments not affecting factories or workshops*], are hereby repealed.

2. *Short title*].—This Act may be cited as the Employment of Women Act, 1907.

DANGEROUS AND UNHEALTHY INDUSTRIES.

REGULATIONS AND SPECIAL RULES.

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* Impose specific duties on the Certifying Surgeon.

† Impose specific duties on a medical practitioner who may be the Certifying Surgeon. Reference to the particular Regulation or Rule is given in brackets.

The following codes of Regulations and Special Rules are in force in places under the Factory Acts.

The Regulations appear in Part I. They have been made under the procedure enacted by the Factory and Workshop Act, 1901, ss. 79—86, in substitution for the "Special Rules" procedure of the earlier Factory and Workshop Acts. Regulations apply automatically to all places of the class for which they are made.

The Special Rules appear in Part II. They are made under the procedure enacted in the Factory and Workshop Acts, 1891 and 1895, and are not in force at a factory or workshop until they have been established individually for that factory or workshop. The codes of Special Rules are being gradually replaced by Regulations under the Act of 1901.

PART I.—REGULATIONS.

* For the Manufacture of Felt Hats, where any Inflammable Solvent is used.

1902. No. 623.†

Whereas the manufacture of felt hats with the aid of inflammable solvent has been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous: I hereby, in pursuance of the power conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories and workshops in which any inflammable solvent is used in the manufacture of felt hats:

1. Every proofing room and every stove or drying room in which an inflammable solvent is evaporated shall be thoroughly ventilated to the satisfaction of the inspector for the district, so as to carry off as far as possible the inflammable vapour.

2. The number of wet spirit-proofed hat bodies allowed to be in a proofing room at any one time shall not exceed the proportion of one hat for each 15 cubic feet of air space; and in no stove, whilst the first drying of any spirit-proofed hats is being carried on, shall the number of hat bodies of any kind exceed a proportion of one hat for each 12 cubic feet of air space.

A notice stating the dimensions of each such room or stove in cubic feet and the number of spirit-proofed hats allowed to be therein at any one time shall be kept constantly affixed in a conspicuous position.

3. Spirit-proofed hats shall be opened out singly and exposed for one hour before being placed in the stove. This requirement shall not apply in the case of a stove which contains no fire or artificial light capable of igniting inflammable vapour, and which is so constructed and arranged as, in the opinion of the inspector for the district, to present no risk of such ignition from external fire or light.

4. The above rules, in so far as they affect drying stoves, shall not apply to the process of drying hat bodies where the solvent

is recovered in a closed oven or chamber fitted with safe and suitable apparatus for the condensation of the solvent.

5. No person shall smoke in any room or place in which inflammable solvent is exposed to the air.

These regulations shall come into force on the 1st day of October, 1902.

(12th August, 1902.)

* These Regulations were gazetted August 19th, 1902.

† The number at the head of these, and of subsequent Regulations is the number given to them in the series of Statutory Rules and Orders for the year.

*** For the Process of File Cutting by Hand.**

1903. No. 507.

Whereas the process of file-cutting by hand has been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous :

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories and workshops (including tenement factories and tenement workshops) or parts thereof in which the process of file-cutting by hand is carried on : Provided that the Chief Inspector of Factories may by certificate in writing exempt from all or any of these Regulations any factory or workshop in which he is satisfied that the beds used are of such composition as not to entail danger to the health of the persons employed.

1. The number of stocks in any room shall not be more than one stock for every 350 cubic feet of air space in the room ; and in calculating air space for the purpose of this Regulation any space more than 10 feet above the floor of the room shall not be reckoned.

2. After the 1st day of January, 1904, the distance between the stocks measured from the centre of one stock to the centre of the next shall not be less than 2 feet 6 inches, and after the 1st day of January, 1905, the said distance shall not be less than 3 feet.

3. Every room shall have a substantial floor, the whole of which shall be covered with a washable material, save that it shall be optional to leave a space not exceeding 6 inches in width round the base of each stock.

The floor of every room shall be kept in good repair.

4. Efficient inlet and outlet ventilators shall be provided in every room. The inlet ventilators shall be so arranged and placed as not to cause a direct draught of incoming air to fall on the workmen employed at the stocks.

The ventilators shall be kept in good repair and in working order.

5. No person shall interfere with or impede the working of the ventilators.

6. Sufficient and suitable washing conveniences shall be provided and maintained for the use of the file-cutters. The washing conveniences shall be under cover and shall comprise at least one fixed basin for every ten or less stocks. Every basin shall be fitted with a waste pipe discharging over a drain or into some receptacle of a capacity at least equal to one gallon for every file-cutter using the basin. Water shall be laid on to every basin either from the main or from a tank of a capacity of not less than $1\frac{1}{2}$ gallons to every worker supplied from such tank. A supply of clean water shall be kept in the said tank while work is going on at least sufficient to enable every worker supplied from such tank to wash.

7. The walls and ceiling of every room, except such parts as are painted or varnished or made of glazed brick, shall be lime-washed once in every six months ending the 30th of June and once in every six months ending the 31st of December.

8. The floor and such parts of the walls and ceiling as are not limewashed and the benches shall be cleansed once a week.

9. If the factory or workshop is situated in a dwelling-house the work of file-cutting shall not be carried on in any room which is used as a sleeping place or for cooking or eating meals.

10. Every file-cutter shall when at work wear a long apron reaching from the shoulders and neck to below the knees. The apron shall be kept in a cleanly state.

11. A copy of these Regulations and an abstract of the provisions of the Factory and Workshop Act, 1901, shall be kept affixed in the factory or workshop in a conspicuous place.

12. It shall be the duty of the occupier to carry out Regulations 1, 2, 3, 4, 6, 7, and 11: except that, in any room in a tenement factory or tenement workshop which is let to more than one occupier, it shall be the duty of the owner to carry out these Regulations, except the last clause of Regulation 6, which shall be carried out by the occupiers.

It shall be the duty of the occupier or occupiers to carry out Regulation 8.

It shall be the duty of the occupier or occupiers and of every workman to observe Regulations 5, 9, and 10.

These Regulations shall come into force on the first day of September, 1903.

(19th June, 1903.)

* These Regulations were gazetted June 23rd, 1903.

*** For the Manufacture of Electric Accumulators.**

1903. No. 1,004.

Whereas the manufacture of electric accumulators has been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous ;

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall

apply to all factories and workshops or parts thereof in which electric accumulators are manufactured.

In these Regulations "lead process" means pasting, casting, lead burning, or any work involving contact with dry compounds of lead.

Any approval given by the Chief Inspector of Factories in pursuance of these Regulations shall be given in writing, and may at any time be revoked by notice in writing signed by him.

Duties of Occupier.

1. Every room in which casting, pasting or lead burning is carried on shall contain at least 500 cubic feet of air space for each person employed therein, and in computing this air space, no height above 14 feet shall be taken into account.

These rooms and that in which the plates are formed, shall be capable of through ventilation. They shall be provided with windows made to open.

2. Each of the following processes shall be carried on in such manner and under such conditions as to secure effectual separation from one another and from any other process :

- (a) Manipulation of dry compounds of lead ;
- (b) Pasting ;
- (c) Formation, and lead burning necessarily carried on therewith ;
- (d) Melting down of old plates.

Provided that manipulation of dry compounds of lead carried on as in Regulation 5 (b) need not be separated from pasting.

3. The floors of the rooms in which manipulation of dry compounds of lead or pasting is carried on shall be of cement or similar impervious material, and shall be kept constantly moist while work is being done.

The floors of these rooms shall be washed with a hose pipe daily.

4. Every melting pot shall be covered with a hood and shaft so arranged as to remove the fumes and hot air from the workrooms.

Lead ashes and old plates shall be kept in receptacles specially provided for the purpose.

5. Manipulation of dry compounds of lead in the mixing of the paste or other processes, shall not be done except (a) in an apparatus so closed, or so arranged with an exhaust draught, as to prevent the escape of dust into the workroom ; or (b) at a bench provided with (1) efficient exhaust draught and air guide so arranged as to draw the dust away from the worker, and (2) a grating on which each receptacle of the compound of lead in use at the time shall stand.

6. The benches at which pasting is done shall be covered with sheet lead or other impervious material, and shall have raised edges.

7. No woman, young person, or child shall be employed in the manipulation of dry compounds of lead or in pasting.

8.—(a) A duly qualified medical practitioner (in these Regulations referred to as the “appointed surgeon”) who may be the certifying surgeon, shall be appointed by the occupier, such appointment unless held by the certifying surgeon to be subject to the approval of the Chief Inspector of Factories.

(b) Every person employed in a lead process shall be examined once a month by the appointed surgeon, who shall have power to suspend from employment in any lead process.

(c) No person after such suspension shall be employed in a lead process without written sanction entered in the health register by the appointed surgeon. It shall be sufficient compliance with this Regulation for a written certificate to be given by the appointed surgeon and attached to the health register, such certificate to be replaced by a proper entry in the health register at the appointed surgeon’s next visit.

(d) A health register in a form approved by the Chief Inspector of Factories shall be kept, and shall contain a list of all persons employed in lead processes. The appointed surgeon will enter in the health register the dates and results of his examinations of the persons employed and particulars of any directions given by him. He shall on a prescribed form furnish to the Chief Inspector of Factories on the 1st day of January in each year a list of the persons suspended by him during the previous year, the cause and duration of such suspension, and the number of examinations made.

The health register shall be produced at any time when required by H.M. Inspectors of Factories or by the certifying surgeon or by the appointed surgeon.

9. Overalls shall be provided for all persons employed in manipulating dry compounds of lead or in pasting.

The overalls shall be washed or renewed once every week.

10. The occupier shall provide and maintain :

(a) a cloakroom in which workers can deposit clothing put off during working hours. Separate and suitable arrangements shall be made for the storage of the overalls required in Regulation 9.

(b) a dining room unless the factory is closed during meal hours.

11. No person shall be allowed to introduce, keep, prepare or partake of any food, drink, or tobacco, in any room in which a lead process is carried on. Suitable provisions shall be made for the deposit of food brought by the workers.

This regulation shall not apply to any sanitary drink provided by the occupier and approved by the appointed surgeon.

12. The occupier shall provide and maintain for the use of the persons employed in lead processes a lavatory, with soap, nail brushes, towels, and at least one lavatory basin for every five such persons. Each such basin shall be provided with a waste pipe, or the basins shall be placed on a trough fitted with a waste pipe. There shall be a constant supply of hot and cold water laid on to each basin.

Or, in the place of basins the occupier shall provide and maintain troughs of enamel or similar smooth impervious material, in good repair, of a total length of two feet for every five persons employed, fitted with waste pipes, and without plugs, with a sufficient supply of warm water constantly available.

The lavatory shall be kept thoroughly cleansed and shall be supplied with a sufficient quantity of clean towels once every day.

13. Before each meal and before the end of the day's work, at least ten minutes, in addition to the regular meal times, shall be allowed for washing to each person who has been employed in the manipulation of dry compounds of lead or in pasting.

Provided that if the lavatory accommodation specially reserved for such persons exceeds that required by Regulation 12, the time allowance may be proportionately reduced, and that if there be one basin or two feet of trough for each such person this Regulation shall not apply.

14. Sufficient bath accommodation shall be provided for all persons engaged in the manipulation of dry compounds of lead or in pasting, with hot and cold water laid on, and a sufficient supply of soap and towels.

This rule shall not apply if in consideration of the special circumstances of any particular case, the Chief Inspector of Factories approves the use of local public baths when conveniently near, under the conditions (if any) named in such approval.

15. The floors and benches of each workroom shall be thoroughly cleansed daily, at a time when no other work is being carried on in the room.

Duties of Persons Employed.

16. All persons employed in lead processes shall present themselves at the appointed times for examination by the appointed surgeon as provided in Regulation 8.

No person after suspension shall work in a lead process, in any factory or workshop in which electric accumulators are manufactured, without written sanction entered in the health register by the appointed surgeon.

17. Every person employed in the manipulation of dry compounds of lead or in pasting shall wear the overalls provided under Regulation 9. The overalls, when not being worn, and clothing put off during working hours, shall be deposited in the places provided under Regulation 10.

18. No person shall introduce, keep, prepare, or partake of any food, drink (other than any sanitary drink provided by the occupier and approved by the appointed surgeon), or tobacco, in any room in which a lead process is carried on.

19. No person employed in a lead process shall leave the premises or partake of meals without previously and carefully cleaning and washing the hands.

20. Every person employed in the manipulation of dry compounds of lead or in pasting shall take a bath at least once a week.

21. No person shall in any way interfere, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of the dust or fumes, and for the carrying out of these Regulations.

These Regulations shall come into force on the 1st day of January, 1904.

(21st November, 1903.)

* These Regulations were gazetted November 24th, 1903.

* **For the Processes of Loading, Unloading, Moving and Handling Goods in, on, or at any Dock, Wharf or Quay, and the Processes of Loading, Unloading or Coaling any Ship in any Dock, Harbour or Canal.**

1904. No. 1,617.

Whereas the processes of loading, unloading, moving and handling goods in, on, or at any dock, wharf, or quay, and the processes of loading, unloading and coaling any ship in any dock, harbour, or canal have been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous :

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations for the protection of persons employed in the processes or in any of them, and direct that they shall apply to all docks, wharves, quays, and ships as aforesaid.

These Regulations shall come into force on the 1st of January, 1905, except that so much of Regulations 6 and 8 as require structural alterations shall come into force on the 1st of January, 1908.

Nothing in Parts 2 to 6 inclusive of these Regulations shall apply to the unloading of fish from a vessel employed in the catching of fish.

The Secretary of State may by Order † in writing exempt from all or any of the Regulations and for such time and subject to such conditions as he may prescribe any docks, wharves or quays in respect of which application for such exemption shall have been made to him by the Department of Agriculture and Technical Instruction for Ireland or by the Congested Districts Board for Ireland.

Definitions.

In these Regulations :

“Processes” means the processes above mentioned ; or any of them.

“Person employed” means a person employed in the above processes or any of them.

“Shallow canal” includes any of the following parts of a canal, canalised river, non-tidal river, or inland navigation :

(a) Any part having no means of access to tidal waters except through a lock not exceeding ninety feet in length ;

- (b) Any part not in frequent use for the processes ; and
- (c) Any part at which the depth of water within fifteen feet of the edge does not ordinarily exceed five feet.

Duties.

It shall be the duty of the person having the general management and control of a dock, wharf, or quay, to comply with Part I. of these Regulations ; provided that if any other person has the exclusive right to occupation of any part of the dock, wharf, or quay, and has the general management and control of such part the duty in respect of that part shall devolve upon that other person ; and further provided that this part of these Regulations shall not apply to any shallow canal.

It shall be the duty of the owner, master or officer in charge of a ship to comply with Part II. of these Regulations.

It shall be the duty of the owner of machinery or plant used in the processes, and in the case of machinery or plant carried on board a ship not being a ship registered in the United Kingdom it shall also be the duty of the master of such ship, to comply with Part III. of these Regulations.

It shall be the duty of every person who by himself, his agents, or workmen carries on the processes, and of all agents, workmen, and persons employed by him in the processes, to comply with Part IV. of these Regulations.

It shall be the duty of all persons, whether owners, occupiers, or persons employed, to comply with Part V. of these Regulations.

Part VI. of these Regulations shall be complied with by the persons on whom the duty is placed in that Part.

PART I.

1. The following parts of every dock, wharf, or quay shall, as far as is practicable having regard to the traffic and working, be securely fenced so that the height of the fence shall be in no place less than two feet six inches, and the fencing shall be maintained in good condition ready for use.

- (a) All breaks, dangerous corners, and other dangerous parts of edges of a dock, wharf, or quay.
- (b) Both sides of such footways over bridges, caissons, and dock gates as are in general use by persons employed, and each side of the entrance at each end of such footway for a sufficient distance not exceeding five yards.

2. Provision for the rescue from drowning of persons employed shall be made and maintained, and shall include :

- (a) A supply of life-saving appliances, kept in readiness on the wharf or quay, which shall be reasonably adequate having regard to all the circumstances.
- (b) Means at or near the surface of the water at reasonable intervals, for enabling a person immersed to support

himself or escape from the water, which shall be reasonably adequate having regard to all the circumstances.

3. All places in which persons employed are employed at night, and any dangerous parts of the regular road or way over a dock, wharf, or quay, forming the approach to any such place from the nearest highway, shall be efficiently lighted.

Provided that the towing path of a canal or canalised river shall not be deemed to be "an approach," for the purpose of this Regulation.

PART II.

4. If a ship is lying at a wharf or quay for the purpose of loading or unloading or coaling there shall be means of access for the use of persons employed at such times as they have to pass from the ship to the shore or from the shore to the ship as follows :

(a) Where a gangway is reasonably practicable a gangway not less than twenty-two inches wide, properly secured, and fenced throughout on each side to a clear height of two feet nine inches by means of upper and lower rails, taut ropes or chains, or by other equally safe means.

(b) In other cases a secure ladder of adequate length.

Provided that nothing in this Regulation shall be held to apply to cargo stages or cargo gangways, if other proper means of access is provided in conformity with these Regulations.

Provided that as regards any sailing vessel not exceeding 250 tons nett registered tonnage and any steam vessel not exceeding 150 tons gross registered tonnage this Regulation shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances.

5. If a ship is alongside any other ship, vessel, or boat, and persons employed have to pass from one to the other, safe means of access shall be provided for their use, unless the conditions are such that it is possible to pass from one to the other without undue risk without the aid of any special appliance.

If one of such ships, vessels, or boats is a sailing barge, flat, keel, lighter or other similar vessel of relatively low freeboard the means of access shall be provided by the ship which has the higher freeboard.

6. If the depth from the top of the coamings to the bottom of the hold exceeds six feet there shall be maintained safe means of access by ladder or steps from the deck to the hold in which work is being carried on, with secure hand-hold and foot-hold continued to the top of the coamings.

In particular such access shall not be deemed to be safe :

(a) Unless the ladders between the lower decks are in the same line as the ladder from the main deck, if the same is practicable having regard to the position of the lower hatchway or hatchways.

- (b) Unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder sufficient room for a man's feet.
- (c) If there is not room to pass between a winch and the coamings at the place where the ladder leaves the deck.
- (d) If the ladder is recessed under the deck more than is reasonably necessary to keep the ladder clear of the hatchway.

7. When the processes are being carried on between one hour after sunset and one hour before sunrise (a) the places in the hold and on the decks where work is being carried on, and (b) the means of access provided in pursuance of Regulations 4 and 5, shall be efficiently lighted, due regard being had to the safety of the ship and cargo, of all persons employed and of the navigation of other vessels and to the duly approved byelaws or regulations of any authority having power by statute to make byelaws or regulations subject to approval by some other authority.

8. All iron fore and aft beams and thwart ship beams used for hatchway covering shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.

PART III.

9. All machinery and chains and other gear used in hoisting or lowering in connection with the processes shall have been tested, and shall be periodically examined. All such chains shall be effectually softened by annealing or firing when necessary, and all half-inch or smaller chains in general use shall be so annealed or fired once in every six months.

If the chains are part of the outfit carried by a seagoing ship it shall be a sufficient compliance with this Regulation as regards softening by annealing or firing of half-inch or smaller chains, that no such chains shall be used unless they have been so annealed or fired within six months preceding.

As regards chains, the safe-loads indicated by the test, the date of last annealing and any other particulars prescribed by the Secretary of State, shall be entered in a register which shall be kept on the premises, unless some other place has been approved in writing by the chief inspector.

10. All motors, cog-wheels, chain and friction-gearing, shafting and live electric conductors used in the processes shall (unless it can be shown that by their position and construction they are equally safe to every person employed as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the ship and without infringing any requirement of the Board of Trade.

11. The lever controlling the link motion reversing gear of a crane or winch used in the processes shall be provided with a suitable spring or other locking arrangement.

12. Every shore crane used in the processes shall have the safe-load plainly marked upon it, and if so constructed that the jib may

be raised or lowered, either shall have attached to it an automatic indicator of safe-loads or shall have marked upon it a table showing the safe-loads at the corresponding inclinations of the jib.

13. The driver's platform on every crane or tip driven by mechanical power and used in the processes shall be securely fenced, and shall be provided with safe means of access.

14. Adequate measures shall be taken to prevent exhaust steam from any crane or winch obscuring any part of the decks, gangways, stages, wharf, or quay, where any person is employed.

PART IV.

15. No machinery or gear used in the processes, other than a crane, shall be loaded beyond the safe-load ; nor a crane, unless secured with the written permission of the owner by plates or chains or otherwise.

No load shall be left suspended from a crane, winch, or other machine unless there is a competent person actually in charge of the machine while the load is so left.

16. A boy under sixteen shall not be employed as driver of a crane or winch, or to give signals to a driver, or to attend to cargo falls on winch-ends or winch-bodies.

17. Where in connection with the processes goods are placed on a wharf or quay other than a wharf or quay on a shallow canal :

(a) A clear passage leading to the means of access to the ship required by Regulation 4 shall be maintained on the wharf or quay ; and

(b) If any space is left along the edge of the wharf or quay, it shall be at least three feet wide and clear of all obstructions other than fixed structures, plant and appliances in use.

18. No deck-stage or cargo-stage shall be used in the processes unless it is substantially and firmly constructed, and adequately supported, and, where necessary, securely fastened.

No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

Any stage which is slippery shall be made safe by the use of sand or otherwise.

19. Where there is more than one hatchway, if the hatchway of a hold exceeding seven feet six inches in depth measured from the top of the coamings to the bottom of the hold is not in use and the coamings are less than two feet six inches in height, it shall either be fenced to a height of three feet, or be securely covered.

Provided that this Regulation shall not apply during meal times or other temporary interruptions of work during the period of employment.

And provided that until the 1st of January, 1908, the fencing may be the best the circumstances will allow without making structural alteration.

Hatch coverings shall not be used in connection with the processes in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.

20. No cargo shall be loaded by a fall or sling at any intermediate deck unless a secure-landing platform has been placed across the hatchway at that deck.

PART V.

21. No person shall, unless duly authorised, or in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, life-saving means or appliances, lights, marks, stages, or other things whatsoever, required by these Regulations to be provided.

22. The fencing required by Regulation 1 shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of the dock or ship, or for repairing any fencing, If removed it shall be restored forthwith at the end of that period by the persons engaged in the work that necessitated its removal.

PART VI.

23. No employer of persons in the processes shall allow machinery or gear to be used by such persons in the processes that does not comply with Part III. of these Regulations.

24. If the persons whose duty it is to comply with Regulations 4, 5, and 7 fail so to do, then it shall also be the duty of the employers of the persons employed for whose use the means of access and the lights are required to comply with the said Regulations within the shortest time reasonably practicable after such failure.

25. The certificate of the ship's register and any other certificate or register referred to in these Regulations shall be produced by the person in charge thereof on the application of any of H.M. Inspectors of Factories.

(24th October, 1904.)

* These Regulations were gazetted October 28th, 1904.

† Orders have been made by the Secretary of State exempting certain minor Irish harbours.

* For the Process of Spinning by Self-acting Mules.

1905. No. 1,103.

Whereas certain machinery used in the process of spinning in textile factories, and known as self-acting mules, has been certified, in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous to life and limb ;

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall

apply to all factories or parts thereof in which the process of spinning by means of self-acting mules is carried on.

1. In these Regulations the term "minder" means the person in charge of a self-acting mule for the time being.

2. Save as hereinafter provided it shall be the duty of the occupier of a factory to observe Part I of these Regulations : provided that it shall be the duty of the owner (whether or not he is one of the occupiers) of a tenement factory to observe Part I of these Regulations, except so far as relates to such parts of the machinery as are supplied by the occupier.

It shall be the duty of the persons employed to observe Part II of these Regulations, but it shall be the duty of the occupier, for the purpose of enforcing their observance, to keep a copy of the Regulations in legible characters affixed in every mule room, in a conspicuous position where they may be conveniently read.

PART I.

Duties of Occupiers.

3. After January 1st, 1906, the following parts of every self-acting mule shall be securely fenced as far as is reasonably practicable, unless it can be shown that by their position or construction they are equally safe to every person employed as they would be if securely fenced.

- (a) Back shaft scrolls and carrier pulleys and draw band pulleys.
- (b) Front and back carriage wheels.
- (c) Faller stops.
- (d) Quadrant pinions.
- (e) Back of head-stocks, including rim-pulleys and taking-in scrolls.
- (f) Rim band tightening pulleys, other than plate-wheels, connected with a self-acting mule erected after January 1st, 1906.

PART II.

Duties of Persons Employed.

4. It shall be the duty of the minder of every self-acting mule to take all reasonable care to ensure :

- (a) That no child cleans any part or under any part thereof whilst the mule is in motion by the aid of mechanical power.
- (b) That no woman, young person, or child works between the fixed and traversing parts thereof whilst the mule is in motion by the aid of mechanical power.
- (c) That no person is in the space between the fixed and traversing parts thereof unless the mule is stopped on the outward run.

5. No self-acting mule shall be started or re-started except by the minder or at his express order, nor until he has ascertained that no person is in the space between the fixed and traversing parts thereof.

(17th October, 1905.)

* These Regulations were gazetted October 20th, 1905.

*** For the Processes of Sorting, Willeying, Washing, Combing, and Carding Wool, Goat Hair, and Camel Hair, and Processes Incidental thereto.**

1905. No. 1,293.

Whereas the processes of sorting, willeying, washing, and combing and carding wool, goat hair, and camel hair and processes incidental thereto have been certified, in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous ;

I hereby in pursuance of the powers conferred on me by that Act make the following Regulations, and direct that they shall apply to all factories and workshops in which the said processes are carried on, and in which the materials named in the Schedules are used.

It shall be the duty of the occupier to comply with Regulations 1 to 16. It shall be the duty of all persons employed to comply with Regulations 17 to 23.

These Regulations shall come into force on the 1st of January, 1906, except that Regulations 2 and 8 shall not come into force until the 1st of April, 1906.

Definition.

For the purpose of Regulations 2, 3 and 18, opening of wool or hair means the opening of the fleece, including the untying or cutting of the knots, or, if the material is not in the fleece, the opening out for looking over or classing purposes.

Duties of Occupiers.

1. No bale of wool or hair of the kinds named in the Schedules shall be opened for the purpose of being sorted or manufactured, except by men skilled in judging the condition of the material.

No bale of wool or hair of the kinds named in Schedule A. shall be opened except after thorough steeping in water.

2. No wool or hair of the kinds named in Schedule B. shall be opened except (a) after steeping in water, or (b) over an efficient opening screen, with mechanical exhaust draught, in a room set apart for the purpose, in which no other work than opening is carried on.

For the purpose of this Regulation, no opening screen shall be deemed to be efficient unless it complies with the following conditions :

(a) The area of the screen shall, in the case of existing screens, be not less than 11 square feet, and in the case of screens hereafter erected be not less than 12 square feet, nor shall its length or breadth be less than $3\frac{1}{4}$ feet.

(b) At no point of the screen within 18 inches from the centre shall the velocity of the exhaust draught be less than 100 linear feet per minute.

3. All damaged wool or hair or fallen fleeces or skin wool or hair, if of the kinds named in the Schedules, shall, when

opened, be damped with a disinfectant and washed without being willowed.

4. No wool or hair of the kinds named in Schedules B. or C. shall be sorted except over an efficient sorting board, with mechanical exhaust draught, and in a room set apart for the purpose, in which no work is carried on other than sorting and the packing of the wool or hair sorted therein.

No wool or hair of the kinds numbered (1) and (2) in Schedule A. shall be sorted except in the damp state and after being washed.

No damaged wool or hair of the kinds named in the Schedules shall be sorted except after being washed.

For the purpose of this Regulation, no sorting board shall be deemed to be efficient unless it complies with the following conditions :

The sorting board shall comprise a screen of open wirework, and beneath it at all parts a clear space not less than 3 inches in depth. Below the centre of the screen there shall be a funnel, measuring not less than 10 inches across the top, leading to an extraction shaft, and the arrangements shall be such that all dust falling through the screen and not carried away by the exhaust can be swept directly into the funnel. The draught shall be maintained in constant efficiency whilst the sorters are at work, and shall be such that not less than 75 cubic feet of air per minute are drawn by the fan from beneath each sorting board.

5. No wool or hair of the kinds named in the Schedules shall be willowed except in an efficient willowing machine, in a room set apart for the purpose, in which no work other than willowing is carried on.

For the purpose of this Regulation, no willowing machine shall be deemed to be efficient unless it is provided with mechanical exhaust draught so arranged as to draw the dust away from the workmen and prevent it from entering the air of the room.

6. No bale of wool or hair shall be stored in a sorting room ; nor any wool or hair except in a space effectually screened off from the sorting room.

No wool or hair shall be stored in a willowing room.

7. In each sorting room, and exclusive of any portion screened off, there shall be allowed an air space of at least 1,000 cubic feet for each person employed therein.

8. In each room in which sorting, willowing, or combing is carried on, suitable inlets from the open air, or other suitable source, shall be provided and arranged in such a way that no person employed shall be exposed to a direct draught from any air inlet or to any draught at a temperature of less than 50° F.

The temperature of the room shall not, during working hours, fall below 50° F.

9. All bags in which wool or hair of the kinds named in the Schedules has been imported shall be picked clean, and not brushed.

10. All pieces of skin, scab, and clippings or shearlings shall be removed daily from the sorting room, and shall be disinfected or destroyed.

11. The dust carried by the exhaust draught from opening screens, sorting boards, willowing or other dust extracting machines and shafts shall be discharged into properly constructed receptacles, and not into the open air.

Each extracting shaft and the space beneath the sorting boards and opening screens shall be cleaned out at least once in every week.

The dust collected as above, together with the sweepings from the opening, sorting, and willowing rooms, shall be removed at least twice a week and burned.

The occupier shall provide and maintain suitable overalls and respirators, to be worn by the persons engaged in collecting and removing the dust.

Such overalls shall not be taken out of the works or warehouse, either for washing, repairs, or any other purpose, unless they have been steeped over-night in boiling water or a disinfectant.

12. The floor of every room in which opening, sorting, or willowing is carried on shall be thoroughly sprinkled daily with a disinfectant solution after work has ceased for the day, and shall be swept immediately after sprinkling.

13. The walls and ceilings of every room in which opening, sorting, or willowing is carried on shall be limewashed at least once a year, and cleansed at least once within every six months, to date from the time when they were last cleansed.

14. The following requirements shall apply to every room in which unwashed wool or hair of the kinds named in the Schedules after being opened for sorting, manufacturing, or washing purposes is handled or stored :

- (a) Sufficient and suitable washing accommodation shall be provided outside the rooms and maintained for the use of all persons employed in such rooms. The washing conveniences shall comprise soap, nail brushes, towels, and at least one basin for every five persons employed as above, each basin being fitted with a waste pipe and having a constant supply of water laid on.
- (b) Suitable places shall be provided outside the rooms in which persons employed in such rooms can deposit food and clothing put off during working hours.
- (c) No person shall be allowed to prepare or partake of food in any such room. Suitable and sufficient meal room accommodation shall be provided for workers employed in such rooms.
- (d) No person having any open cut or sore shall be employed in any such room.

The requirements in paragraph (c) shall apply also to every room in which any wool or hair of the kinds named in the Schedules is carded or stored.

15. Requisites for treating scratches and slight wounds shall be kept at hand.

16. The occupier shall allow any of H.M. Inspectors of Factories to take at any time, for the purpose of examination, sufficient samples of any wool or hair used on the premises.

Duties of Persons Employed.

17. No bale of wool or hair of the kinds named in the Schedules shall be opened otherwise than as permitted by paragraph 1 of Regulation 1, and no bale of wool or hair of the kinds named in Schedule A. shall be opened except after thorough steeping in water.

If on opening a bale any damaged wool or hair of the kinds named in the Schedules is discovered, the person opening the bale shall immediately report the discovery to the foreman.

18. No wool or hair of the kinds named in Schedule B. shall be opened otherwise than as permitted by Regulation 2.

19. No wool or hair of the kinds named in the Schedules shall be sorted otherwise than as permitted by Regulation 4.

20. No wool or hair of the kinds named in the Schedules shall be willowed except as permitted by Regulation 5.

21. Every person employed in a room in which unwashed wool or hair of the kinds named in the Schedules is stored or handled shall observe the following requirements :

(a) He shall wash his hands before partaking of food, or leaving the premises.

(b) He shall not deposit in any such room any article of clothing put off during working hours.

He shall wear suitable overalls while at work, and shall remove them before partaking of food or leaving the premises.

(c) If he has any open cut or sore, he shall report the fact at once to the foreman, and shall not work in such a room.

No person employed in any such room or in any room in which wool or hair of the kinds named in the Schedule is either carded or stored shall prepare or partake of any food therein, or bring any food therein.

22. Persons engaged in collecting or removing dust shall wear the overalls as required by Regulation 11.

Such overalls shall not be taken out of the works or warehouse either for washing, repairs, or any other purpose, unless they have been steeped over-night in boiling water or a disinfectant.

23. If any fan, or any other appliance for the carrying out of these Regulations, is out of order, any workman becoming aware of the defect shall immediately report the fact to the foreman.

(12th December, 1905.)

* These Regulations were gazetted December 19th, 1905.

SCHEDULE A.

(Wool or hair required to be steeped in the bale before being opened.)

1. Van Mohair.
 2. Persian Locks.
 3. Persian or so-called Persian (including Karadi and Bagdad) if not subjected to the process of sorting or willowing.
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SCHEDULE B.

(Wool or hair required to be opened either after steeping or over an efficient opening screen.)

Alpaca.

Pelitan.

East Indian Cashmere.

Russian Camel Hair.

Pekin Camel Hair.

Persian or so-called Persian (including Karadi and Bagdad) if subjected to the process of sorting or willowing.

SCHEDULE C.

(Wool or hair not needing to be opened over an opening screen but required to be sorted over a board provided with downward draught.)

All Mohair other than Van Mohair.

NOTE.—The danger against which these Regulations are directed is that of anthrax—a fatal disease affecting certain animals, which may be conveyed from them to man by the handling of wools or hairs from animals which have died of the disease. The germs of the disease (anthrax spores) are found in the dust attaching to the wool, or in the excrement, and in the substance of the pieces of skin, and may remain active for years. In this country and Australia anthrax is rare, consequently there is little danger in handling wools from the sheep of these two countries; but in China, Persia, Turkey, Russia, the East Indies, and in many other parts of the world, the disease is common, and infected fleeces or locks (which may not differ from others in appearance) are often shipped to Great Britain. Hence, in handling foreign dry wools and hair, the above Regulations should be carefully observed. Greasy wools are comparatively free from dust, and therefore little risk is incurred in handling them. The disease is communicated to man sometimes by breathing or swallowing the dust from these wools or hair, and sometimes by the poison lodging in some point where the skin is broken, such as a fresh scratch or cut, or a scratched pimple, or even chapped hands. This happens more readily on the uncovered parts of the body, the hand, arm, face, and most frequently of all, on the neck, owing either to infected wool rubbing against the bare skin, or to dust from such wool alighting on the raw surface. But a raw surface covered by clothing is not free from risk, for dust lodging upon the clothes may sooner or later work its way to the skin beneath. Infection may also be brought about by rubbing or scratching a pimple with hand or nail carrying the anthrax poison. Use of the nail brush, and frequent washing and bathing of

the whole body, especially of the arms, neck, and head, will lessen the chance of contracting anthrax.

The first symptom of anthrax is usually a small inflamed swelling like a pimple or boil—often quite painless—which extends, and in a few days becomes black at the centre, and surrounded by other “pimples.” The poison is now liable to be absorbed into the system, and will cause risk of life, which can be avoided only by prompt and effective medical treatment in the early stage, while the poison is still confined to the pimple. Hence, it is of the utmost importance that a doctor should be *at once* consulted if there is any suspicion of infection.

*** For the Processes of Spinning and Weaving Flax and Tow and the Processes incidental thereto.**

1906. No. 177.

Whereas the processes of spinning and weaving flax and tow and the processes incidental thereto have been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous :

I hereby in pursuance of the powers conferred on me by that Act make the following Regulations, and direct that they shall apply to all factories in which the processes named above are carried on, and to all workshops in which the processes of roughing, sorting, or hand-hackling of flax or tow are carried on.

These Regulations shall come into force on the 1st day of February, 1907.

Provided that in the case of all rooms in which roughing or hand-hackling is now carried on, and in which there is respectively (a) no system of local mechanical exhaust ventilation, or (b) no artificial means of regulating the temperature, Regulations 2 and 3 respectively shall not come into force until the 1st day of February, 1908.

Definitions.

In these Regulations—

“Degrees ” means degrees on the Fahrenheit scale.

“Roughing, sorting, hand-hackling, machine-hackling, carding, and preparing,” mean those processes in the manufacture of flax or tow.

It shall be the duty of the occupier to observe Part I. of these Regulations. It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1. In every room in which persons are employed the arrangements shall be such that during working hours the proportion of carbonic acid in the air of the room shall not exceed 20 volumes per 10,000 volumes of air at any time when gas or oil is used for

lighting (or within one hour thereafter) or 12 volumes per 10,000 when electric light is used (or within one hour thereafter) or 9 volumes per 10,000 at any other time.

Provided that it shall be a sufficient compliance with this Regulation if the proportion of carbonic acid in the air of the room does not exceed that of the open air outside by more than 5 volumes per 10,000 volumes of air.

2. In every room in which roughing, sorting, or hand-hackling is carried on, and in every room in which machine-hackling, carding, or preparing is carried on, and in which dust is generated and inhaled to an extent likely to cause injury to the health of the workers, efficient exhaust and inlet ventilation shall be provided to secure that the dust is drawn away from the workers at, or as near as reasonably possible to, the point at which it is generated.

For the purposes of this Regulation, the exhaust ventilation in the case of hand-hackling, roughing, or sorting shall not be deemed to be efficient if the exhaust opening at the back of the hackling pins measures less than 4 inches across in any direction, or has a sectional area of less than 50 square inches, or if the linear velocity of the draught passing through it is less than 400 feet per minute at any point within a sectional area of 50 square inches.

3. In every room in which hand-hackling, roughing, sorting, machine-hackling, carding, or preparing is carried on, an accurate thermometer shall be kept affixed; and the arrangements shall be such that the temperature of the room shall not at any time during working hours where hand-hackling, roughing, or machine-hackling is carried on, fall below 50 degrees, or where *sorting*, carding, or preparing is carried on, below 55 degrees; and that no person employed shall be exposed to a direct draught from any air inlet, or to any draught at a temperature of less than 50 degrees.

Provided that it shall be a sufficient compliance with this Regulation if the heating apparatus be put into operation at the commencement of work, and if the required temperature be maintained after the expiration of one hour from the commencement of work.

4. In every room in which wet-spinning is carried on, or in which artificial humidity of air is produced in aid of manufacture, a set of standardised wet and dry bulb thermometers shall be kept affixed in the centre of the room or in such other position as may be directed by the inspector of the district by notice in writing, and shall be maintained in correct working order.

Each of the above thermometers shall be read between 10 and 11 a.m. on every day that any person is employed in the room, and again between 3 and 4 p.m. on every day that any person is employed in the room after 1 p.m.; and each reading shall be at once entered on the prescribed form.

The form shall be hung up near the thermometers to which it relates, and shall be forwarded, duly filled in, at the end of each calendar month to the inspector of the district. Provided that this part of this Regulation shall not apply to any room in which the difference of reading between the wet and dry bulb thermometers

is never less than 4 degrees, if notice of intention to work on that system has been given in the prescribed form to the inspector for the district, and a copy of the notice is kept affixed in the room to which it applies.

5. The humidity of the atmosphere of any room to which Regulation 4 applies shall not at any time be such that the difference between the readings of the wet and dry bulb thermometers is less than 2 degrees.

6. No water shall be used for producing humidity of the air, or in wet-spinning troughs, which is liable to cause injury to the health of the persons employed or to yield effluvia; and for the purpose of this Regulation any water which absorbs from acid solution of permanganate of potash in four hours at 60 degrees more than 0.5 grain of oxygen per gallon of water, shall be deemed to be liable to cause injury to the health of the persons employed.

7. Efficient means shall be adopted to prevent the escape of steam from wet-spinning troughs.

8. The pipes used for the introduction of steam into any room in which the temperature exceeds 70 degrees, or for heating the water in any wet-spinning trough, shall, so far as they are within the room and not covered by water, be as small in diameter and as limited in length as is reasonably practicable, and shall be effectively covered with non-conducting material.

9. Efficient splash guards shall be provided and maintained on all wet-spinning frames of $2\frac{3}{4}$ inch pitch and over, and on all other wet-spinning frames unless waterproof skirts, and bibs of suitable material, are provided by the occupier and worn by the workers.

Provided that if the Chief Inspector is satisfied with regard to premises in use prior to 30th June, 1905, that the structural conditions are such that splash guards cannot conveniently be used, he may suspend the requirement as to splash guards. Such suspension shall only be allowed by certificate in writing, signed by the Chief Inspector, and shall be subject to such conditions as may be stated in the certificate.

10. The floor of every wet-spinning room shall be kept in sound condition, and drained so as to prevent retention or accumulation of water.

11. There shall be provided for all persons employed in any room in which wet-spinning is carried on, or in which artificial humidity of air is produced in aid of manufacture, suitable and convenient accommodation in which to keep the clothing taken off before starting work, and in the case of a building erected after 30th June, 1905, in which the difference between the readings of the wet and dry bulb thermometers is at any time less than 4 degrees, such accommodation shall be provided in cloak-rooms ventilated and kept at a suitable temperature and situated in or near the workrooms in question.

12. Suitable and efficient respirators shall be provided for the use of the persons employed in machine-hackling, preparing, and carding.

PART II.

Duties of Persons Employed.

13. All persons employed on wet-spinning frames without efficient splash guards, shall wear the skirts and bibs provided by the occupier in pursuance of Regulation 9.

14. No person shall in any way interfere, without the concurrence of the occupier or manager, with the means and appliances provided for ventilation, or for the removal of dust, or for the other purposes of these Regulations.

(26th February, 1906.)

* These Regulations were gazetted March 6th, 1906.

*** For use of Locomotives and Waggon on Lines and Sidings in or used in connection with Premises under the Factory and Workshop Act, 1901.**

1906. No. 679.

Whereas the use of locomotives, waggons, and other rolling stock on lines of rail or sidings in any factory or workshop or any place to which the provisions of section 79 of the Factory and Workshop Act, 1901, are applied by that Act or on lines of rail or sidings used in connection with any factory, or workshop or any place as aforesaid, and not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900, has been certified in pursuance of the said section to be dangerous ;

I hereby in pursuance of the powers conferred upon me by that Act make the following Regulations and direct that they shall apply to all places before mentioned.

These Regulations shall come into force on the first day of January, 1907, except Regulations 1, 2, and 22, which shall come into force on the 1st day of January, 1908.

Subject to the exemptions below, it shall be the duty of—

(i) The occupier of any factory or workshop and any place to which any of the provisions of the Factory and Workshop Act, 1901, are applied, and

(ii) The occupier of any line of rails or sidings used in connection with a factory or workshop, or with any place to which any of the provisions of the Factory and Workshop Act, 1901, are applied,

to comply with Part I. of these Regulations.

And it shall be the duty of every person who by himself, his agents or workmen, carries on any of the operations to which these Regulations apply, and of all agents, workmen and persons employed to comply with Part II. of these Regulations.

And it shall be the duty of every person who by himself, his agents or workmen, carries on any of the operations to which

these Regulations apply, to comply with Part III. of these Regulations.

In these Regulations :

Line of rails means a line of rails or sidings for the use of locomotives or waggons, except such lines as are used exclusively for (a) a gantry crane or travelling crane, or (b) any charging machine or other apparatus or vehicle used exclusively in or about any actual process of manufacture.

Waggon includes any wheeled vehicle or non-self-moving crane on a line of rails.

Locomotive includes any wheeled motor on a line of rails used for the movement of waggons and any self-moving crane.

Gantry means an elevated structure of wood, masonry or metal, exceeding 6 feet in height and used for loading or unloading, which carries a line of rails, whereon waggons are worked by mechanical power.

Nothing in these Regulations shall apply to :

- (a) A line of rails of less than 3 feet gauge, and locomotives and waggons used thereon.
- (b) A line of rails not worked by mechanical power.
- (c) A line of rails inside a railway goods warehouse.
- (d) A line of rails forming part of a mine within the meaning of the Coal Mines Regulation Act, 1887, or of a quarry within the meaning of the Quarries Act, 1894, not being a line of rails within or used solely in connection with any factory or workshop not incidental to the maintenance or working of the mine or quarry or to the carrying on of the business thereof.
- (e) Pit banks of mines to which the Metalliferous Mines Regulation Act, 1872, applies, and private lines of rails used in connection therewith.
- (f) Lines of rails used in connection with factories or workshops, so far as they are outside the factory or workshop premises, and used for running purposes only.
- (g) Waggons not moved by mechanical power.
- (h) Buildings in course of construction.
- (i) Explosives factories or workshops within the meaning of the Explosives Act, 1875.
- (j) All lines and sidings on or used in connection with docks, wharves and quays not forming part of a factory or workshop as defined in section 149 of the Factory and Workshop Act, 1901.
- (k) Waggon or locomotive building or repairing shops, and all lines and sidings used in connection with such shops if such shops are in the occupation of a railway company within the meaning of the Regulation of Railways Act, 1871.

- (1) Depôts or car-sheds being parts of tramway or light railway undertakings authorised by Parliament, and used for the storage, cleaning, inspection or repair of tramway cars or light railway cars.

PART I.

1. Point rods and signal wires in such a position as to be a source of danger to persons employed shall be sufficiently covered or otherwise guarded.

2. Ground levers working points shall be so placed that men working them are clear of adjacent lines, and shall be placed in a position parallel to the adjacent lines, or in such other position, and be of such form as to cause as little obstruction as possible to persons employed.

3. Lines of rails and points shall be periodically examined and kept in efficient order, having regard to the nature of the traffic.

4. Every gantry shall be properly constructed and kept in proper repair. It shall have a properly fixed structure to act as a stop-block at any terminal point; and at every part where persons employed have to work or pass on foot there shall be a suitable footway, and if such footway is provided between a line of rails and the edge of the gantry the same shall so far as is reasonably practicable, having regard to the traffic and working, be securely fenced at such a distance from the line of rails as to afford a reasonably sufficient space for such persons to pass in safety between the fence and a locomotive waggon or load on the line of rails.

5. Coupling poles or other suitable mechanical appliances shall be provided where required for the purpose of Regulation 11.

6. Proper sprags and scotches when required shall be provided for the use of persons in charge of the movement of waggons.

7. Where during the period between one hour after sunset and one hour before sunrise, or in foggy weather, shunting or any operations likely to cause danger to persons employed are frequently carried on, efficient lighting shall be provided either by hand lamps or stationary lights as the case may require at all points where necessary for the safety of such persons.

8. The mechanism of a capstan worked by power and used for the purpose of traction of waggons on a line of rails shall be maintained in efficient condition and if operated by a treadle such treadle shall be tested daily before use.

PART II.

9. When materials are placed within 3 feet of a line of rails and persons employed are exposed to risk of injury from traffic by having to pass on foot over them or between them and the line such material shall, as far as reasonably practicable, be so placed as not to endanger such persons, and there shall be adequate

recesses at intervals of not more than 20 yards where the materials exceed that length.

10. No person shall cross a line of rails by crawling or passing underneath a train or waggons thereon where there may be a risk of danger from traffic.

11. Locomotives or waggons shall wherever it is reasonably practicable without structural alterations be coupled or uncoupled only by means of a coupling pole or other suitable mechanical appliance, except where the construction of locomotives or waggons is such that coupling or uncoupling can be safely and conveniently performed without any part of a man's body being within the space between the ends or buffers of one locomotive or waggon and another.

12. Sprags and scotches shall be used as and when they are required.

13. Waggons shall not be moved or be allowed to be moved on a line of rails by means of a prop or pole, or by means of towing by a rope or chain attached to a locomotive or waggon moving on an adjacent line of rails when other reasonably practicable means can be adopted ; provided that this shall not apply to the movement of ladles containing hot material on a line of rails in front of and adjacent to a furnace.

In no case shall props be used for the above purpose unless made of iron, steel or strong timber hooped with iron to prevent splitting.

14. Where a locomotive pushes more than one waggon, and risk of injury may thereby be caused to persons employed, a man shall, wherever it is safe and reasonably practicable, accompany or precede the front waggon or other efficient means shall be taken to obviate such risk.

Provided that this regulation shall not apply to the following :

(a) Fly shunting.

(b) Movement of waggons used for conveyance of molten or hot material or other dangerous substance.

15. No person shall be upon the buffer of a locomotive or waggon in motion unless there is a secure handhold and shall not stand thereon unless there is also a secure footplace ; nor shall any person ride on a locomotive or waggon by means of a coupling pole or other like appliance.

16. No locomotive or waggon shall be moved on a line of rails until warning has been given by the person in charge to persons employed whose safety is likely to be endangered.

Provided that this Regulation shall not apply to a self-moving crane within a building or to a charging machine or other vehicle so long as it is used in or about any actual process of manufacture.

17. Where persons employed have to pass on foot or work, no locomotive or waggon shall be moved on a line of rails during the period between one hour after sunset and one hour before sunrise, or in foggy weather, unless the approaching end, wherever it is

safe and reasonably practicable, is distinguished by a suitable light or accompanied by a man with a lamp.

Provided that this Regulation shall not apply to the movement of locomotives or waggons within any area which is efficiently lighted by stationary lights.

18. The driver in charge of a locomotive, or a man preceding it on foot, shall give an efficient sound signal as a warning on approaching any level crossing over a line of rails regularly used by persons employed, or any curve where sight is intercepted, or any other point of danger to persons employed.

19. A danger signal shall be exhibited at or near the ends of any waggon or train of waggons undergoing repair wherever persons employed are liable to be endangered by an approaching locomotive or waggon.

20.—(a) The space immediately around such a capstan as mentioned in Regulation 8 shall be kept clear of all obstruction.

(b) Such capstan shall not be set in motion until signals have been exchanged between the man in charge of the capstan and the man working the rope or chain attached to it.

(c) No person under 18 years of age shall work such capstan.

21. No person under the age of 18 shall be employed as a locomotive driver, and no person under the age of 16 shall be employed as a shunter.

PART III.

22. All glass tubes of water gauges on locomotives or stationary boilers used for the movement of waggons shall be adequately protected by a covering or guard.

(24th August, 1906.)

* These Regulations were gazetted September 14th, 1906.

* For the Manufacture of Paints and Colours.

1907. No. 17.

Whereas the manufacture of paints and colours has been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous :

I hereby in pursuance of the powers conferred on me by that Act make the following Regulations, and direct that they shall apply to all factories and workshops in which dry carbonate of lead or red lead is used in the manufacture of paints and colours or chromate of lead is produced by boiling, provided as follows :

(1) The Regulations shall not apply to factories and workshops in which paints and colours are manufactured not for sale but solely for use in the business of the occupier ; or to factories or workshops in which only the manufacture of artists' colours is carried on ; or to the manufacture of varnish paints.

(2) Regulation 2, and so much of Regulation 3 as prevents the employment of a woman in manufacturing lead colour, shall not apply to the packing in parcels or kegs not exceeding 14 lbs. in weight, unless and until so required by notice in writing from the Chief Inspector of Factories.

(3) Regulations 4, 5, 6, 11, and 12 shall not apply to factories or workshops in which the grinding of lead colour occupies less than three hours in any week, unless and until so required by notice in writing from the Chief Inspector of Factories.

Definitions.

For the purpose of these Regulations—

“Lead colour” means dry carbonate of lead and red lead, and any colour into which either of these substances enters.

“Lead process” means any process involving the mixing, crushing, sifting, grinding in oil, or any other manipulation of lead colour giving rise to dust; or the manufacture and manipulation of chromate of lead produced by boiling in the colour house.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Employers.

1. No lead colour shall be placed in any hopper or shoot without an efficient exhaust draught and air guide so arranged as to draw the dust away from the worker as near as possible to the point of origin.

2. No lead process shall be carried on, save either—

(a) with an efficient exhaust draught and air guide so arranged as to carry away the dust or steam as near as possible to the point of origin; or

(b) in the case of processes giving rise to dust, in an apparatus so closed as to prevent the escape of dust.

Provided that this Regulation shall not apply to the immersion and manipulation of lead colour in water.

3. No woman, young person, or child shall be employed in manipulating lead colour.

4. Every person employed in a lead process or at the roller mills connected with the grinding in oil of lead colour (hereinafter referred to as the roller mills) shall once in each calendar month, on a date of which notice shall be given to every such person, be examined by the certifying surgeon of the district or other duly qualified medical practitioner (hereinafter referred to as the appointed surgeon) if appointed for the purpose by the chief inspector of factories by a certificate under his hand and subject to such conditions as may be specified in that certificate.

The certifying or appointed surgeon shall have power to suspend from employment in any lead process or at the roller mills.

5. No person after suspension in accordance with Regulation 4, shall be employed in any lead process or at the roller mills without written sanction entered in the health register by the certifying or appointed surgeon.

6. A health register in a form approved by the Chief Inspector of Factories shall be kept and shall contain a list of all persons employed in any lead process or at the roller mills. The certifying or appointed surgeon will enter therein the dates and results of his examinations of such persons with particulars of any directions given by him.

The health register shall be produced at any time when required by any of his Majesty's inspectors of factories or by the certifying or appointed surgeon.

7. Overalls shall be provided for all persons employed in lead processes or at the roller mills ; and shall be washed or renewed at least once every week.

8. The occupier shall provide and maintain for the use of all persons employed in lead processes or at the roller mills—

- (a) a cloak-room or other suitable place in which such persons can deposit clothing put off during working hours, and separate and suitable arrangements for the storage of overalls required by Regulation 7 ;
- (b) a dining-room, unless all workers leave the factory during meal hours.

9. No person shall be allowed to introduce, keep, prepare, or partake of any food, drink (other than a medicine provided by the occupier and approved by the certifying or appointed surgeon), or tobacco in any room in which a lead process is carried on. Suitable provision shall be made for the deposit of food brought by persons employed.

10. The occupier shall provide and maintain in a cleanly state and in good repair for the use of persons employed in lead processes or at the roller mills a lavatory containing either—

- (a) at least one lavatory basin for every five such persons, fitted with a waste pipe, or placed in a trough having a waste pipe, and having a constant supply of cold water laid on and a sufficient supply of hot water constantly available ; or
- (b) troughs of enamel or similar smooth impervious material, fitted with waste pipes without plugs, and having a constant supply of warm water laid on. The length of such troughs shall be in a proportion of not less than two feet for every five persons employed in lead processes or at the roller mills.

He shall also provide in the lavatory soap, nail brushes, and a sufficient supply of clean towels renewed daily.

PART II.

Duties of Persons Employed.

11. All persons employed in lead processes or at the roller mills shall present themselves at the appointed time for examination by the certifying or appointed surgeon as provided in Regulation 4.

12. No person after suspension under Regulation 4 shall work in a lead process or at the roller mills in any paint and colour factory or workshop to which these Regulations apply without written sanction entered in the health register by the certifying or appointed surgeon.

13. All persons employed in lead processes or at the roller mills shall wear the overalls provided under Regulation 7 and shall deposit such overalls and any clothing put off during working hours in the places provided under Regulation 8.

The overalls shall not be removed by persons employed from the factory or workshop.

14. No person shall introduce, keep, prepare, or partake of any food, drink (other than a medicine provided by the occupier and approved by the certifying or appointed surgeon), or tobacco in any room in which a lead process is carried on.

15. All persons employed in lead processes or at the roller mills shall carefully clean and wash their hands before leaving the premises or partaking of any food.

16. No person shall, without the permission of the occupier or manager, interfere in any way with the means and appliances provided for the removal of dust, steam or fumes and for the carrying out of these Regulations.

These Regulations shall come into force on the 1st February, 1907.

(21st January, 1907.)

* These Regulations were gazetted January 25th, 1907.

*** For the Heading of Yarn dyed by means of a Lead Compound.**

1907. No. 616.

Whereas the process of heading of yarn dyed by means of a lead compound has been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous ;

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories in which the said process is carried on.

Provided that if the Chief Inspector of Factories is satisfied, with regard to any such factory, that the heading of yarn dyed by means of a lead compound will not occupy more than three hours in any week, he may, by certificate, suspend Regulations 2, 3, 4, 7 (a), and 8 (a), or any of them. Every such

certificate shall be in writing, signed by the Chief Inspector of Factories, and shall be revocable at any time by further certificate.

Definitions.

“Heading” means the manipulation of yarn dyed by means of a lead compound over a bar or post, and includes picking, making-up, and noddling.

“Employed” means employed in heading of yarn dyed by means of a lead compound.

“Surgeon” means the certifying factory surgeon of the district or a duly qualified medical practitioner appointed by certificate under the hand of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

“Suspension” means suspension by written certificate in the health register, signed by the surgeon, from employment in heading of yarn dyed by means of a lead compound.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Employers.

1. No yarn dyed by means of a lead compound shall be headed unless there be an efficient exhaust draught so arranged as to draw the dust away from the worker, as near as possible to the point of origin. The speed of the draught at the exhaust opening shall be determined at least once in every three months and recorded in the general register.

2. No person under sixteen years of age shall be employed.

3. A health register, containing the names of all persons employed, shall be kept in a form approved by the Chief Inspector of Factories.

4. Every person employed shall be examined by the surgeon once in every three months (or at shorter intervals if and as required in writing by the Chief Inspector of Factories) on a date of which due notice shall be given to all concerned.

The surgeon shall have power of suspension as regards all persons employed, and no person after suspension shall be employed without written sanction from the surgeon entered in the health register.

5. There shall be provided and maintained for the use of all persons employed—

(a) a suitable cloakroom for clothing put off during working hours.

- (b) a suitable meal-room separate from any room in which heading of yarn dyed by means of a lead compound is carried on, unless the works are closed during meal hours ;

and, if so required by notice in writing from the Chief Inspector of Factories,

- (c) suitable overalls and head coverings which shall be collected at the end of every day's work, and be washed and renewed at least once every week ;
- (d) a suitable place, separate from the cloakroom and meal-room, for the storage of the overalls and head-coverings.

6. There shall be provided and maintained in a cleanly state and in good repair, for the use of all persons employed, a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

- (a) a trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least two feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or
- (b) at least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed.

PART II.

Duties of Persons Employed.

7. Every person employed shall—

- (a) present himself at the appointed time for examination by the surgeon as provided in Regulation 4 ;
- (b) wear the overall and head-covering (provided in pursuance of Regulation 5 (c)) while at work, and shall remove them before partaking of food or leaving the premises, and shall deposit in the cloak-room, provided in pursuance of Regulation 5 (a), clothing put off during working hours ;
- (c) wash the hands before partaking of food or leaving the premises.

8. No person shall—

- (a) work in heading of yarn dyed by means of a lead compound after suspension without written sanction from the surgeon entered in the health register ;
- (b) introduce, keep, prepare, or partake of any food or drink, or tobacco, in any room in which heading of yarn dyed by means of a lead compound is carried on ;

- (c) interfere in any way, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of the dust, and for the carrying out of these Regulations.

(6th August, 1907.)

* These Regulations were gazetted August 13th, 1907.

*** For the Processes of Spinning and Weaving Hemp, or Jute, or Hemp or Jute Tow, and Processes Incidental thereto.**

1907. No. 660.

Whereas the processes of spinning and weaving hemp, or jute, or hemp or jute tow, and the processes incidental thereto have been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous :

I hereby in pursuance of the powers conferred on me by that Act make the following Regulations, and direct that they shall apply to all factories, other than scutch mills, in which any of the processes named above are carried on.

These Regulations shall come into force on the first day of January, 1908.

Definitions.

In these Regulations—

“Degrees” means degrees on the Fahrenheit scale.

“Opening of bales,” “batching,” “machine-hackling,” “carding,” and “preparing” mean those processes in the manufacture of hemp, or jute, or hemp or jute tow.

It shall be the duty of the occupier to observe Part I. of these Regulations. It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1. In every room in which persons are employed the arrangements shall be such that during working hours the proportion of carbonic acid in the air of the room shall not exceed 20 volumes per 10,000 volumes of air at any time when gas or oil is used for lighting (or within one hour thereafter), or 12 volumes per 10,000 when electric light is used (or within one hour thereafter), or 9 volumes per 10,000 at any other time.

Provided that it shall be a sufficient compliance with this Regulation if the proportion of carbonic acid in the air of the room does not exceed that of the open air by more than 5 volumes per 10,000 volumes of air.

2. In every room in which the opening of bales, batching, machine-hackling, carding, preparing, or other process is carried on and in which dust is generated and inhaled to an extent likely to cause injury to the health of the workers, efficient exhaust and

inlet ventilation shall be provided to secure that the dust is drawn away from the workers at or as near as is reasonably possible to the point at which it is generated.

3. In every room in which the opening of bales, batching, machine-hackling, carding, or preparing is carried on an accurate thermometer shall be kept affixed.

4. The temperature of any room where machine-hackling is carried on shall not fall below 50 degrees, or where carding or preparing is carried on, below 55 degrees.

Provided that it shall be a sufficient compliance with this Regulation if the heating apparatus be put in operation at the commencement of work, and if the required temperature be maintained after the expiration of one hour from the commencement of work.

5. Where machine-hackling, carding, or preparing is carried on the arrangements shall be such that no person employed shall be exposed to a direct draught from any air inlet, or to any draught at a temperature of less than 50 degrees.

6. In every room in which artificial humidity of air is produced in aid of manufacture, a set of standardised wet and dry bulb thermometers shall be kept affixed in the centre of the room, or in such other position as may be directed by the inspector of the district by notice in writing, and shall be maintained in correct working order.

Each of the above thermometers shall be read between 11 and 12 a.m. on every day that any person is employed in the room, and again between 4 and 5 p.m. on every day that any person is employed in the room after 1 p.m., and each reading shall at once be entered on the prescribed form. The form shall be hung up near the thermometers to which it relates, and shall be forwarded, duly filled in, at the end of each calendar month to the inspector of the district.

Provided that this part of this Regulation shall not apply to any room in which the difference of reading between the wet and dry bulb thermometers is never less than 4 degrees, if notice of intention to work on that system has been given in the prescribed form to the inspector of the district, and a copy of the notice is kept affixed in the room to which it applies.

7. Suitable and sufficient respirators shall be provided for the use of persons employed in the opening of bales, machine-hackling, preparing and carding, if dust is generated and inhaled to an extent likely to cause injury to the health of the workers.

PART II.

Duties of Persons Employed.

8. No person shall in any way interfere, without the concurrence of the occupier or manager, with the means and appliances provided for ventilation, or for the removal of dust, or for the other purposes of these Regulations.

(28th August, 1907.)

* These Regulations were gazetted August 13th, 1907.

For the Manufacture of Nitro- and Amido-derivatives of Benzene, and the Manufacture of Explosives with use of Dinitrobenzol or Dinitrotoluol.

1908. No. 1310.

Whereas the manufacture of nitro- and amido-derivatives of benzene, and the manufacture of explosives with use of dinitrobenzol or dinitrotoluol, have been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous ;

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories and workshops in which the said manufactures are carried on.

Provided that Regulations 1 (a), 2, 3, 4 and 14 (c) shall not apply to any process in the manufacture of explosives in which dinitrobenzol is not used.

Definitions.

“Employed ” means employed in any process mentioned in the Schedules.

“Surgeon ” means the certifying factory surgeon of the district or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

“Suspension ” means suspension by written certificate in the health register, signed by the surgeon, from employment in any process mentioned in the Schedules.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1.—(a) Every vessel containing any substance named in Schedules A. or B. shall, if steam is passed into or around it, or if the temperature of the contents be at or above the temperature of boiling water, be covered in such a way that no steam or vapour shall be discharged into the open air at a less height than twenty feet above the heads of the workers.

(b) In every room in which fumes from any substance named in Schedules A. or B. are evolved in the process of manufacture and are not removed as above, adequate through ventilation shall be maintained by a fan or other efficient means.

2. No substance named in Schedule A. shall be broken by hand in a crystallising pan, nor shall any liquor containing it be agitated by hand, except by means of an implement at least six feet long.

3. No substance named in Schedule A. shall be crushed, ground, or mixed in the crystalline condition, and no cartridge filling shall be done, except with an efficient exhaust draught so arranged as to carry away the dust as near as possible to the point of origin.

4. Cartridges shall not be filled by hand except by means of a suitable scoop.

5. Every drying stove shall be efficiently ventilated to the outside air in such manner that hot air from the stove shall not be drawn into any workroom.

No person shall be allowed to enter a stove to remove the contents until a free current of air has been passed through it.

6. A health register, containing the names of all persons employed, shall be kept in a form approved by the Chief Inspector of Factories.

7. No person shall be newly employed for more than a fortnight without a certificate of fitness granted after examination by the surgeon by signed entry in the health register.

8. Every person employed shall be examined by the surgeon once in each calendar month (or at such other intervals as may be prescribed in writing by the Chief Inspector of Factories) on a date of which due notice shall be given to all concerned.

9. The surgeon shall have power of suspension as regards all persons employed, and no person after suspension shall be employed without written sanction from the surgeon entered in the health register.

10. There shall be provided and maintained for the use of all persons employed—

- (a) suitable overalls or suits of working clothes which shall be collected at the end of every day's work, and (in the case of overalls) washed or renewed at least once every week ; and
- (b) a suitable meal room, separate from any room in which a process mentioned in the Schedules is carried on, unless the works are closed during meal hours ; and
- (c) a suitable cloakroom for clothing put off during working hours ; and
- (d) a suitable place, separate from the cloakroom and meal room, for the storage of the overalls ;

For the use of all persons handling substances named in the Schedules—

- (e) india-rubber gloves, which shall be collected, examined, and cleansed, at the close of the day's work and shall be repaired or renewed when defective, or other equivalent protection for the hands against contact ;

For the use of all persons employed in processes mentioned in Schedule A.—

- (f) clogs or other suitable protective footwear.

11. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed :

A lavatory under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either :

(a) a trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least two feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or

(b) at least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed ;

For the use of all persons employed in processes mentioned in Schedules A. and B.—

(c) sufficient and suitable bath accommodation (douche or other), with hot and cold water laid on and a sufficient supply of soap and towels. Provided that the Chief Inspector may in any particular case approve of the use of public baths, if conveniently near, under the conditions (if any) named in such approval.

12. No person shall be allowed to introduce, keep, prepare, or partake of any food, drink, or tobacco, in any room in which a process mentioned in the Schedules is carried on.

PART II.

Duties of Persons Employed.

13. Every person employed shall :

- (a) present himself at the appointed time for examination by the surgeon as provided in Regulation 8 ;
- (b) wear the overalls or suit of working clothes provided under Regulation 10 (a), and deposit them, and clothing put off during working hours, in the places provided under Regulation 10 (c) and (d) ;
- (c) use the protective appliances supplied in respect of any process in which he is engaged ;
- (d) carefully clean the hands before partaking of any food or leaving the premises ;
- (e) take a bath at least once a week, and when the materials mentioned in the Schedules have been spilt on the clothing so as to wet the skin. Provided that (e) shall not apply to persons employed in processes mentioned in Schedule C., nor to persons exempted by signed entry of the surgeon in the health register.

14. No person employed shall :

- (a) after suspension, work in any process mentioned in the Schedules without written sanction from the surgeon entered in the health register ;
- (b) introduce, keep, prepare, or partake of any food, drink, or tobacco, in any room in which a process mentioned in the Schedules is carried on ;
- (c) break by hand in a crystallising pan any substance named in Schedule A., or agitate any liquor containing it by hand, except by means of an implement at least six feet long ;
- (d) interfere in any way, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of the fumes and dust, and for the carrying out of these Regulations.

(30th December, 1908.)

SCHEDULE A.

Processes in the manufacture of :

Dinitrobenzol.
Dinitrotoluol.
Trinitrotoluol.
Paranitrochlorbenzol.

SCHEDULE B.

Processes in the manufacture of :

Anilin oil.
Anilin hydrochloride.

SCHEDULE C.

Any process in the manufacture of explosives with use of dinitrobenzol or dinitrotoluol.

* For the use of Horsehair.

1907. No. 984.

Whereas processes involving the use of horsehair from China, Siberia, or Russia have been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous ;

I hereby in pursuance of the powers conferred on me by that Act make the following Regulations, and direct that they shall apply to all factories and workshops in which the said processes are carried on.

These Regulations shall come into force on the 1st April, 1908.

Definitions.

“Material” means tail or mane horsehair from China, Siberia, or Russia, whether in the raw state or partially or wholly prepared, notwithstanding that such preparation may have taken place in some country other than those named.

“Disinfection” means—

- (a) exposure to steam at a temperature not less than 212° F. for at least half an hour, of material so loosened, spread out or exposed as to allow the steam to penetrate throughout; or
- (b) exposure of material to such disinfectant under such conditions of concentration and temperature of the disinfectant, and duration and manner of exposure of the material to it, and otherwise, as are certified to secure the destruction of anthrax spores in all parts of all horsehair subjected to the process. Provided that such a certificate shall have no force unless and until (1) a copy of it has been submitted to the Secretary of State, and (2) a copy of it is kept in the register required under Regulation 1. Provided, further, that any such certificate may at any time be disallowed by the Secretary of State, either generally or with regard to a factory or workshop in which anthrax has occurred.

“Certified” means certified by the director of a bacteriological laboratory recognised by a corporation in the United Kingdom having power to grant diplomas registrable under the Medical Acts, 1858 to 1905.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Employers.

1. A register shall be kept containing the prescribed particulars of the disinfection of all material (a).

(a) By Order dated March 11th, 1908, the Secretary of State has prescribed the following particulars as to disinfection of material to be entered in register kept in pursuance of Regulation 1 :

1. Weight of material ;
 2. Date of receipt on the premises ;
 3. Country of origin ;
 4. Whether raw or partially or wholly prepared ;
 5. Method of disinfection ;
- And in the case of material disinfected on the premises,
6. Date of disinfection ;
- And in the case of material disinfected elsewhere than on the premises,
7. Name of person from whom the material was obtained.

2. Material which has not undergone disinfection shall not be stored except in a room set aside for the purpose, in which no other horsehair shall be placed.

3. Material which has not undergone disinfection shall not be opened from the bale or sorted except in a room set aside for the purpose, in which no other horsehair shall be placed ; nor shall any such material be opened from the bale, except over or by the side of an efficient screen, or sorted except over an efficient screen.

For the purposes of this Regulation no screen shall be deemed to be efficient unless it is provided with an exhaust draught so arranged that at every point of the screen within 18 inches of the centre the velocity of the exhaust draught shall be at least 300 linear feet per minute.

4. No material shall be subjected to any manipulation other than opening or sorting until it has undergone disinfection.

5. Every willowing and dust-extracting machine shall be covered over and provided with efficient exhaust draught so arranged as to carry the dust away from the worker.

6. The dust from the opening and sorting screens, and from the willow or other dust-extracting machines, shall be discharged into furnaces or into chambers so constructed as to intercept the dust.

7. Each extracting shaft and the space beneath the opening and sorting screen shall be cleaned out at least once in every week.

8. All dust collected from the opening and sorting screens shall be burned.

9. There shall be provided and maintained for the use of persons employed on material which has not undergone disinfection—

- (a) suitable overalls and head coverings, which shall be collected at the end of every day's work, and washed or renewed at least once every week, and shall not be taken out of the works for any purpose whatever unless they have previously been boiled for ten minutes or have undergone disinfection after last being used ; and
- (b) a suitable meal-room, separate from any workroom, unless the works are closed during meal hours ; and
- (c) a suitable cloakroom for clothing put off during working hours ; and a suitable place, separate from the cloakroom and meal-room, for the storage of the overalls ; and
- (d) requisites for treating scratches and slight wounds.

10. There shall be provided suitable respirators for the use of persons employed in work necessitated by Regulations 6, 7 and 8. Each respirator shall bear the distinguishing mark of the worker to whom it is supplied, and the filtering material shall be renewed after each day on which it is used.

11. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed on material which has not undergone disinfection, a lavatory, under cover,

with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

- (a) a trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least 2 feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or
- (b) at least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed.

12. No person under 18 years of age shall be employed on material which has not undergone disinfection.

13. No person employed on material which has not undergone disinfection shall be allowed—

- (a) to work having any open cut or sore ; or
- (b) to introduce, keep, prepare, or partake of any food or drink, or tobacco, in any room in which such material is stored or manipulated.

14. A cautionary notice as to anthrax, in the prescribed form, shall be kept affixed with these Regulations.

PART II.

Duties of Persons Employed.

15. No person employed shall—

- (a) open, sort, or willow or otherwise manipulate any material except in accordance with the foregoing Regulations.
- (b) introduce, keep, prepare, or partake of any food or drink, or tobacco, contrary to Regulation 13 (b).

16. Every person employed on material which has not undergone disinfection shall—

- (a) wear the overall and head covering provided in pursuance of Regulation 9 (a) while at work, and shall remove them before partaking of food or leaving the premises, and shall deposit in the cloakroom provided in pursuance of Regulation 9 (c) all clothing put off during working hours ; and
- (b) wash the hands and clean the nails before partaking of food or leaving the premises ; and
- (c) report any cut or sore to the foreman, and until it has been treated abstain from work on any such material.

17. Every person employed shall wear the respirator provided in pursuance of Regulation 10 while engaged in work necessitated by Regulations 6, 7 and 8.

18. If the arrangement for disinfection, or any fan, or any other appliance for the carrying out of these Regulations, appears to any workman to be out of order or defective, he shall immediately report it to the foreman.

(20th December, 1907.)

* These Regulations were gazetted December 20th, 1907.

For the Casting of Brass.

1908. No. 484.

Whereas the casting of brass or any alloy of copper with zinc has been certified in pursuance of section 79 of the Factory and Workshop Act to be dangerous, I hereby in pursuance of the powers conferred on me by that Act make the following Regulations and direct that they shall come into force on the first day of January, 1910, and shall apply to all factories in which the casting of brass is carried on, with the following exceptions :

- (i) The Regulations shall not apply to a sand-casting shop having an air-space equivalent to 2,500 cubic feet for each of the persons employed nor to any other casting-shop having an air-space equivalent to 3,500 cubic feet for each of the persons employed. Provided—
 - (a) that provision is made for the egress of the fumes during casting by inlets below and outlets above of adequate size, and
 - (b) that a notice in the prescribed form, giving the prescribed particulars, shall be kept affixed at or near the entrance of the casting shop and that a copy thereof shall be sent to the inspector of the district, and
 - (c) that the conditions of exemption stated in such notice are not departed from ;
- (ii) So much of Regulation 1 as requires that exhaust draught shall be maintained during the process of casting shall not apply in the case of strip or solid drawn tube casting or any other class of casting which the Secretary of State may certify on that behalf, provided that—
 - (a) the exhaust draught cannot be so maintained without damage to the metal (proof of which shall be upon the occupier) ; and
 - (b) the exhaust draught is put into operation immediately after the casting ; and
 - (c) provision is made for the egress of fumes during casting by inlets below and outlets above of adequate size.
- (iii) Where it is proved to the satisfaction of the Chief Inspector of Factories that by reason of exceptional features in the construction or situation of a casting shop or by reason of the infrequency of the casting or the small quantity or the nature or composition of the metal

cast or other circumstances all or any of the Regulations are not necessary for the protection of the persons employed he may by certificate in writing (which he may in his discretion revoke) exempt such casting shop from all or any of the provisions of the same subject to such conditions as he may by such certificate prescribe.

In these Regulations (including the above provisions and exceptions)—

“Brass” means any alloy of copper and zinc.

“Casting” includes the pouring and skimming of brass.

“Casting shop” means any place in which casting of brass is carried on.

“Sand-casting” means casting in moulds prepared by hand in sand or loam or sand and loam.

“Sand-casting shop” means a place in which no kind of casting other than sand-casting is carried on.

“Pot” includes any crucible, ladle or other vessel in which the brass is skimmed or from which it is poured.

“Employed” means employed in the casting-shop in any capacity.

“Persons employed” means the maximum number of persons at any time employed.

It shall be the duty of the occupier to observe Part I. of these Regulations, and the conditions contained in any certificate of exemption.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1. Casting of brass shall not be carried on unless the following conditions are complied with :

- (a) There shall be an efficient exhaust draught operating by means either of (i) a tube attached to the pot, or (ii) a fixed or moveable hood over the point where the casting takes place, or (iii) a fan in the upper part of the casting shop, or (iv) some other effectual contrivance for the prompt removal of the fumes from the casting shop and preventing their diffusion therein. The exhaust draught shall be applied as near to the point of origin of the fumes as is reasonably practicable having regard to the requirements of the process, the maintenance of the exhaust draught during the process of casting, and (as regards casting shops in use prior to 1st January, 1908) the structure of the premises, and the cost of applying the exhaust draught in that manner.
- (b) There shall be efficient arrangements to prevent the fumes from entering any other room in the factory in which work is carried on ;
- (c) There shall be free openings to the outside air so placed as not to interfere with the efficiency of the exhaust draught.

2. There shall be provided and maintained in a cleanly state and in good repair, for the use of all persons employed, a lavatory, under cover, (i) with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and (ii) with either—

(a) A trough with a smooth, impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least two feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or

(b) At least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water, or warm water, laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed.

3. No female shall be allowed to work, in any process whatever, in any casting shop.

PART II.

Duties of Persons Employed.

4. No person employed shall leave the premises or partake of food without carefully washing the hands.

5. No persons employed shall carry on the pouring of brass without using apparatus provided in pursuance of Regulation 1(a).

6. No person employed shall in any way interfere without the knowledge and concurrence of the occupier or manager with the means provided for the removal of fumes.

Regulations for the following processes will be found in Appendix B., post, pp. 398—412 :

1. *Use of East Indian Wool.*

2. *Vitreous Enamelling Metal or Glass.*

3. *Generation, Transformation, Distribution and Use of Electrical Energy.*

PART II.—SPECIAL RULES.

***For the Manufacture and Decoration of Earthenware and China.**

Amended Special Rules established, after Arbitration, by the Awards of the Umpire, Lord James of Hereford, dated December 30, 1901, and November 28, 1903.

Duties of Occupiers.

1. Deleted.

2. After the first day of February, 1904, no glaze shall be used which yields to a dilute solution of hydrochloric acid more than

five per cent of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described below.

A weighed quantity of dried material is to be continuously shaken for one hour, at the common temperature, with 1,000 times its weight of an aqueous solution of hydrochloric acid containing 0.25 per cent. of H.Cl. This solution is thereafter to be allowed to stand for one hour and to be passed through a filter. The lead salt contained in an aliquot portion of the clear filtrate is then to be precipitated as lead sulphide and weighed as lead sulphate.

If any occupier shall give notice in writing to the inspector for the district that he desires to use a glaze which does not conform to the above-mentioned conditions, and to adopt in his factory the scheme of compensation prescribed in Schedule B and shall affix and keep the same affixed in his factory, the above provisions shall not apply to his factory but instead thereof the following provisions shall apply.

All persons employed in any process included in Schedule A other than china scouring shall be examined before the commencement of their employment or at the first subsequent visit of the certifying surgeon, and once in each calendar month by the certifying surgeon of the district.

The certifying surgeon may at any time order by signed certificate the suspension of any such person from employment in any process included in Schedule A other than china scouring, if such certifying surgeon is of opinion that such person by continuous work in lead will incur special danger from the effects of plumbism, and no person after such suspension shall be allowed to work in any process included in Schedule A other than china scouring without a certificate of fitness from the certifying surgeon entered in the register.

Any workman who, by reason of his employment being intermittent or casual, or of his being in regular employment for more than one employer, is unable to present himself regularly for examination by the certifying surgeon, may procure himself at his own expense to be examined once a month by a certifying surgeon, and such examination shall be a sufficient compliance with this Rule. The result of such examination shall be entered by the certifying surgeon in a book to be kept in the possession of the workman. He shall produce and show the said book to a factory inspector or to any employer on demand, and he shall not make any entry or erasure therein.

If the occupier of any factory to which this Rule applies fails duly to observe the conditions of the said scheme, or if any such factory shall by reason of the occurrence of cases of lead poisoning appear to the Secretary of State to be in an unsatisfactory condition, he may, after an inquiry, at which the occupier shall have an opportunity of being heard, prohibit the use of lead for such time and subject to such conditions as he may prescribe.

All persons employed in the processes included in Schedule A, other than china scouring shall present themselves at the appointed

time for examination by the certifying surgeon, as prescribed in this Rule.

In addition to the examinations at the appointed times, any person so employed may at any time present himself to the certifying surgeon for examination, and shall be examined on paying the prescribed fee.

All persons shall obey any directions given by the certifying surgeon.

No person after suspension by the certifying surgeon shall work in any process included in Schedule A other than china scouring without a certificate of fitness from the certifying surgeon entered in the register. Any operative who fails without reasonable cause to attend any monthly examination shall procure himself, at his own expense, to be examined within 14 days thereafter by the certifying surgeon, and shall himself pay the prescribed fee.

A register in the form which has been prescribed by the Secretary of State for use in earthenware and china works, shall be kept, and in it the certifying surgeon shall enter the dates and results of his visits, the number of persons examined, and particulars of any directions given by him. This register shall contain a list of all persons employed in the processes included in Schedule A, or in emptying china biscuit ware, and shall be produced at any time when required by his Majesty's inspector of factories or by the certifying surgeon.

3. The occupier shall allow any of his Majesty's inspectors of factories to take at any time sufficient samples for analysis of any material in use or mixed for use.

Provided that the occupier may at the time when the sample is taken, and on providing the necessary appliances, require the inspector to take, seal, and deliver to him a duplicate sample.

But no analytical result shall be disclosed or published in any way except such as shall be necessary to establish a breach of these rules.

4. No woman, young person, or child shall be employed in the mixing of unfritted lead compounds in the preparation or manufacture of fritts, glazes, or colours.

5. No person under 15 years of age shall be employed in any process included in Schedule A, or in emptying china biscuit ware.

Thimble-picking, or threading-up, or looking-over biscuit ware shall not be carried on except in a place sufficiently separated from any process included in Schedule A.

6. All women and young persons employed in any process included in Schedule A shall be examined once in each calendar month by the certifying surgeon for the district.

The certifying surgeon may order by signed certificate in the register the suspension of any such woman or young persons from employment in any process included in Schedule A, and no person after such suspension shall be allowed to work in any process included in Schedule A without a certificate of fitness from the certifying surgeon entered in the register.

7. A register, in the form which has been prescribed by the Secretary of State for use in earthenware and china works, shall

be kept, and in it the certifying surgeon shall enter the dates and results of his visits, the number of persons examined in pursuance of Rule 6 as amended, and particulars of any directions given by him. This register shall contain a list of all persons employed in the processes included in Schedule A, or in emptying china biscuit ware, and shall be produced at any time when required by H.M. inspector of factories or by the certifying surgeon.

8. The occupier shall provide and maintain suitable overalls and head coverings for all women and young persons employed in the processes included in the Schedule A, or in emptying china biscuit ware.

No person shall be allowed to work in any process included in the Schedule, or in emptying china biscuit ware, without wearing suitable overalls and head coverings, provided that nothing in this rule shall render it obligatory on any person engaged in drawing glost ovens to wear overalls and head coverings.

All overalls, head coverings and respirators, when not in use or being washed or repaired, shall be kept by the occupier in proper custody. They shall be washed or renewed at least once a week, and suitable arrangements shall be made by the occupier for carrying out these requirements.

A suitable place, other than that provided for the keeping of overalls, head coverings, and respirators, in which all the above workers can deposit clothing put off during working hours, shall be provided by the occupier.

Each respirator shall bear the distinguishing mark of the worker to whom it is supplied.

9. No person shall be allowed to keep, or prepare, or partake of any food, or drink, or tobacco, or to remain during meal times, in a place in which is carried on any process included in Schedule A.

The occupier shall make suitable provision to the reasonable satisfaction of the inspector in charge of the district for the accommodation during meal times of persons employed in such places or processes, with a right of appeal to the Chief Inspector of Factories. Such accommodation shall not be provided in any room or rooms in which any process included in Schedule A is carried on, and no washing conveniences mentioned hereafter in Rule 13 shall be maintained in any room or rooms provided for such accommodation.

Suitable provision shall be made for the deposit of food brought by the workers.

10. The processes of :

- The towing of earthenware,
- China scouring,
- Ground laying,
- Ware cleaning after the dipper,
- Colour dusting, whether on-glaze or under-glaze,
- Colour blowing, whether on-glaze or under-glaze,
- Glaze blowing, or
- Transfer making,

shall not be carried on without the use of exhaust fans, or other efficient means for the effectual removal of dust, to be approved in each particular case by the Secretary of State and under such conditions as he may from time to time prescribe.

In the process of ware cleaning after the dipper, sufficient arrangements shall be made for any glaze scraped off which is not removed by the fan, or the other efficient means, to fall into water.

In the process of ware cleaning of earthenware after the dipper, damp sponges or other damp material shall be provided in addition to the knife or other instrument, and shall be used wherever practicable.

Flat-knocking and fired-flint-sifting shall be carried on only in enclosed receptacles, which shall be connected with an efficient fan or other efficient draught unless so contrived as to prevent effectually the escape of injurious dust.

In all processes the occupier shall, as far as practicable, adopt efficient measures for the removal of dust and for the prevention of any injurious effects arising therefrom.

11. No person shall be employed in the mixing of unfritted lead compounds, in the preparation or manufacture of fritts, glazes or colours containing lead without wearing a suitable and efficient respirator provided and maintained by the employer ; unless the mixing is performed in a closed machine or the materials are in such a condition that no dust is produced.

Each respirator shall bear the distinguishing mark of the worker to whom it is supplied.

12. All drying stoves as well as all workshops and all parts of factories shall be effectually ventilated to the reasonable satisfaction of the inspector in charge of the district.

13. The occupier shall provide and continually maintain sufficient and suitable washing conveniences for all persons employed in the processes included in Schedule A, as near as practicable to the places in which such persons are employed.

The washing conveniences shall comprise soap, nail-brushes and towels, and at least one wash-hand basin for every five persons employed as above, with a constant supply of water laid on, with one tap at least for every two basins, and conveniences for emptying the same and running off the waste water on the spot down a waste pipe.

There shall be in front of each washing basin, or convenience, a space for standing room which shall not be less in any direction than 21 inches.

14. The occupier shall see that the floors of workshops and of such stoves as are entered by the workpeople are sprinkled and swept daily ; that all dust, scraps, ashes, and dirt are removed daily, and that the mangles, work benches, and stairs leading to workshops are cleansed weekly.

When so required by the inspector in charge of the district, by notice in writing, any such floors, mangles, work benches and stairs shall be cleansed in such manner and at such times as may be directed in such notice.

As regards every potters' shop and stove, and every place in which any process included in Schedule A is carried on, the

occupier shall cause the sufficient cleansing of floors to be done at the time when no other work is being carried on in such room, and in the case of potters' shops, stoves, dipping houses, and majolica painting rooms, by an adult male.

Provided that in the case of rooms in which ground laying or glost placing is carried on, or in the china dippers' drying room, the cleansing prescribed by this Rule may be done before work commences for the day, but in no case shall any work be carried on in the room within one hour after any such cleansing as aforesaid has ceased.

15. The occupier shall cause the boards used in the dipping house, dippers' drying room, or glost placing shop to be cleansed every week, and shall not allow them to be used in any other department, except after being cleansed.

When so required by the inspector in charge of the district, by notice in writing, any such boards shall be washed at such times as may be directed in such notice.

Duties of Persons Employed.

16. All women and young persons employed in the processes included in Schedule A shall present themselves at the appointed time for examination by the certifying surgeon as provided in Rule 6 as amended.

No person after suspension by the certifying surgeon shall work in any process included in the Schedule without a certificate of fitness from the certifying surgeon entered in the register.

17. Every person employed in any process included in Schedule A, or in emptying china biscuit ware, shall, when at work, wear a suitable overall and head covering, and also a respirator when so required by Rule 11 as amended, which shall not be worn outside the factory or workshop, and which shall not be removed therefrom except for the purpose of being washed or repaired. Such overall and head covering shall be in proper repair and duly washed.

The hair must be so arranged as to be fully protected from dust by the head covering.

The overalls, head coverings and respirators when not being worn, and clothing put off during working hours, shall be deposited in the respective places provided by the occupier for such purposes under Rule 8 as amended.

18. No person shall remain during meal times in any place in which is carried on any process included in Schedule A, or introduce, keep, prepare, or partake of any food or drink, or tobacco therein at any time.

19. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided by the employers for the ventilation of the workshops and stoves, and for the removal of dust.

20. No person included in any process included in Schedule A shall leave the works or partake of meals without previously and carefully cleaning and washing his or her hands.

No person employed shall remove or damage the washing basins or conveniences provided under Rule 13.

20A. The persons appointed by the occupiers shall cleanse the several parts of the factory regularly as prescribed in Rule 14.

Every worker shall so conduct his or her work as to avoid, as far as practicable, making or scattering dust, dirt, or refuse, or causing accumulation of such.

21. The boards used in the dipping house, dippers' drying room, or glost placing shop shall not be used in any other department, except after being cleansed, as directed in Rule 15.

22. If the occupier of a factory to which these Rules apply gives with reference to any process included in Schedule A, other than china scouring, an undertaking that no lead or lead compound or other poisonous material shall be used, the Chief Inspector may approve in writing of the suspension of the operation of Rules 4, 5, 6, 7, 8, 15, 16, 17, and 21, or any of them in such process; and thereupon such Rules shall be suspended as regards the process named in the Chief Inspector's approval, and in lieu thereof the following Rule shall take effect, viz., no lead or lead compound or other poisonous material shall be used in any process so named.

For the purpose of this Rule materials that contain no more than one per cent. of lead shall be regarded as free from lead.

[Supplementary Special Rules for the Manufacture of Earthenware and China in force in certain works.]

23. If the occupier of any factory to which these Rules apply gives an undertaking in writing either to the effect that

- (a) no glaze shall be used which yields to a dilute solution of hydrochloric acid more than 5 per cent. of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described in Rule 2, paragraph 2;

or to the effect that

- (b) no ware shall be cleaned after the application of glaze by dipping or other process except in the moist condition;

the Chief Inspector of Factories may, if satisfied that the other conditions are sufficient for the safety of the persons employed, approve in writing of the suspension in the factory or part of the factory of so much of Rule 10 as requires the provision of a fan or other efficient means, to be approved by the Secretary of State, for the removal of dust in the process of ware-cleaning; and thereupon the said part of Rule 10 shall be suspended accordingly, and the said undertaking shall be deemed to be a Special Rule established in the factory.

24. If the occupier of any factory to which these Rules apply gives an undertaking in writing to the effect that no glaze shall be used which yields to a dilute solution of hydrochloric acid more than 2 per cent. of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described in Rule 2, paragraph 2, the Chief Inspector of Factories may, if satisfied that the other conditions are sufficient for the

safety of the persons employed, approve in writing of the modification of Rule 5 in so far as it applies to the processes of dipping, drying after dipping, and ware-cleaning, in the factory or part of the factory, by the substitution of 14 years for 15 years of age, and thereupon Rule 5 shall be modified accordingly, and the said undertaking shall be deemed to be a Special Rule established in the factory.

Any approval granted under Rules 23 and 24 is liable to revocation in case it shall appear to the Secretary of State that, owing to the occurrence of lead poisoning in any factory, such revocation is desirable.

25. No ware shall be cleaned after the application of glaze by dipping or other process, except in the moist state, or with damp sponge or other similar damp material, or with the use of an efficient exhaust draught.

So much of Rule 10 as requires the provision of a fan or other efficient means for the removal of dust in the process of ware-cleaning after the dipper shall not apply.

* This code superseded those of 1894, 1898, and 1901, which, however, are still in force in a few works. The question of making Regulations to supersede all four codes is under consideration.

SCHEDULE A.

Dipping or other process carried on in the dipping house,
 Glaze blowing,
 Painting in majolica or other glaze,
 Drying after dipping,
 Ware cleaning after the application of glaze by dipping or other process,
 China scouring,
 Glost placing,
 Ground laying,
 Colour dusting } whether on-glaze or under-glaze,
 Colour blowing }
 Lithographic transfer making,
 Making or mixing of fritts, glazes, or colours containing lead.
 Any other process in which materials containing lead are used or handled in the dry state, or in the form of spray, or in suspension in liquid other than oil or similar medium.

SCHEDULE B.*

NOTICE TO WORKMEN EMPLOYED IN PROCESSES NAMED IN
 SCHEDULE A, OTHER THAN CHINA SCOURING.

CONDITIONS OF COMPENSATION.

1. Where a workman is suspended from working by a certifying surgeon of the district on the ground that he is of opinion that such person by continued work in lead will incur special danger from the

effects of plumbism, and the certifying surgeon shall certify that in his opinion he is suffering from plumbism arising out of his employment, he shall, subject as hereinafter mentioned, be entitled to compensation from his employer as hereinafter provided.

- (a) If any workman who has been suspended as aforesaid dies within 9 calendar months from the date of such certificate of suspension, by reason of plumbism contracted before the said date, there shall be paid to such of his dependants as are wholly dependant upon his earnings at the time of his death or upon the weekly compensation payable under this scheme, a sum equal to the amount he has earned during a period of three years next preceding the date of the said certificate, such sum not to be more than £300 nor less than £150 for an adult male, £100 for an adult female, and £75 for a young person.
- (b) If the workman does not leave any dependants wholly dependant as aforesaid, but leaves any dependants in part dependant as aforesaid, a reasonable part of that sum.
- (c) If he leaves no dependants, the reasonable expenses of his medical attendance and burial, not exceeding ten pounds.

2. With respect to such payments the following provisions shall apply :

- (a) All sums paid to the workman as compensation since the date of the said certificate shall be deducted from the sums payable to the dependants.
- (b) The payment shall, in case of death, be made to the legal personal representative of the workman, or, if he has no legal personal representative, to or for the benefit of his dependants, or, if he leaves no dependants, to the person to whom the expenses are due ; and if made to the legal personal representative shall be paid by him to or for the benefit of the dependants or other person entitled thereto.
- (c) Any question as to who is a dependant, or as to the amount payable to each dependant, shall in default of agreement be settled by arbitration as hereinafter provided in clause 9.
- (d) The sum allotted as compensation to a dependant may be invested or otherwise applied for the benefit of the person entitled thereto, as agreed, or as ordered by the arbitrator.
- (e) Any sum which is agreed or is ordered by the arbitrator to be invested may be invested in whole or in part in the Post Office Savings Bank.

3. Where a workman has been suspended and certified as provided in Condition 1, and while he is totally or partially prevented from earning a living by reason of such suspension, he shall be entitled to a weekly payment not exceeding fifty per cent. of his average weekly earnings at the time of such suspension, such payment not to exceed £1. The average may be taken over such period, not exceeding twelve months, as appears fair or reasonable having regard to all the circumstances of the case.

4. In fixing these weekly payments, regard shall be had to the difference between the amount of the average weekly earnings of the workman at the time of his suspension and the average amount, if any, which it is estimated that he will be able to earn afterwards in any occupation or employment, and to any payments (not being wages) which he may have received from the employer in respect of the suspension, and to all the circumstances of the case, including his age and expectation of life.

5. If it shall appear that any workman has persistently disobeyed the special rules or the directions given for his protection by his

employers, and that such disobedience has conduced to his suspension, or has not presented himself for examination by the certifying surgeon, or has failed to give full information and assistance as provided in Condition 6, his conduct may be taken into consideration in assessing the amount of the weekly payments.

6. It shall be the duty of every workman at all times to submit to medical examination when required and to give full information to the certifying surgeon and to assist to the best of his power in the obtaining of all facts necessary to enable his physical condition to be ascertained.

7. Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished, or increased, subject to the maximum above provided, and the amount of payments shall, in default of agreement, be settled by arbitration.

8. Any workman receiving weekly payments under this scheme shall submit himself if required for examination by a duly qualified medical practitioner provided and paid by the employer.

If the workman refuses to submit himself to such examination or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

9. If any dispute shall arise as to any certificate of the certifying surgeon or as to the amount of compensation payable as herein provided, or otherwise in relation to these provisions, the same shall be decided by an arbitrator to be appointed by the employer and workman, or in default of agreement by the Secretary of State. The said arbitrator shall have all the powers of an arbitrator under the Arbitration Act, and his decision shall be final.

The fee of the arbitrator shall be fixed by the Secretary of State, and shall be paid as the arbitrator shall direct.

10. No compensation shall be payable under these provisions unless a claim in writing is made within six weeks of the date of the certificate of suspension, or of the death, provided that the want of such notice shall not bar the claim if in the opinion of the arbitrator there was reasonable excuse for the want of it.

A claim for compensation by any workman whose employment is intermittent, or casual, or who is regularly employed by more than one employer, shall only arise against the employers for whom he has worked in a process included in Schedule A. within one month prior to his suspension. The said employers shall bear the compensation among them in such proportion as in default or agreement shall be determined by an arbitrator as herein provided.

11. "Employer" includes an occupier, a corporation, and the legal representatives of a deceased employer. "Workman" includes every person, male or female, whether his agreement be one of service or apprenticeship or otherwise, and is expressed or implied, orally or in writing, and shall include the personal representatives of a deceased workman. "Dependants" has the same meaning as in the Workmen's Compensation Act, 1897.

The terms contained in this notice shall be deemed to be part of the contract of employment of all workmen in the above named processes.

Occupier's signature .

* Provision has since been made for compensation in case of lead poisoning by s. 8 of the Workmen's Compensation Act, 1906.

For the Manufacture of Transfers for Earthenware and China.

Duties of Occupiers.

1. No person under 15 years of age shall be employed in making transfers for earthenware or china.

2. All women and young persons employed shall be examined once a month by the certifying surgeon for the district, who shall after May 1st, 1899, have power to order suspension from employment.

No person after such suspension shall be allowed to work without the written sanction of the certifying surgeon.

3. A register, in the form which has been prescribed by the Secretary of State for use in earthenware, and china works, shall be kept, and in it the certifying surgeon will enter the dates and results of his visits, the number of persons examined, and particulars of any directions given by him. This register shall contain a list of all persons employed, and shall be produced at any time when required by H.M. inspector of factories or by the certifying surgeon.

4. The occupier shall provide and maintain suitable overalls and head coverings for all women and young persons employed in rooms in which colour processes are carried on.

All overalls and head coverings shall be kept by the occupier in proper custody and shall be washed at least once a week, and suitable arrangements shall be made for carrying out these requirements.

A suitable place shall be provided in which the above workers can deposit clothing put off during working hours.

It shall be a sufficient compliance with the requirements of this rule as to head coverings if they are made of suitable glazed paper and renewed once a week. The head coverings shall be made so as completely to cover the hair and to the satisfaction of the inspector.

5. No person shall be allowed to prepare or partake of any food or drink, or to remain during meal-times, in any place in which is carried on the making of transfers.

The occupier shall make suitable provision to the reasonable satisfaction of the inspector in charge of the district for the accommodation during meal-times of persons employed in such places or processes, with a right of appeal to the Chief Inspector of Factories.

6. Transfer making shall not be carried on without the use of exhaust fans for the effectual removal of dust, or other efficient means for the effectual removal of dust, to be approved in each particular case by the Secretary of State, and under such conditions as he may from time to time prescribe.

7. The occupier shall provide and maintain sufficient and suitable washing conveniences for all persons employed, as near as is practicable to the places in which such persons are employed.

The washing conveniences shall comprise soap, nail-brushes and towels, and at least one wash-hand basin for every five persons employed as above, with a constant supply of water laid on, with one tap at least for every two basins, and conveniences for emptying the same and running off the waste water on the spot down a waste pipe.

Duties of Persons Employed.

8. All women and young persons employed shall present themselves at the appointed time for examination by the certifying surgeon as provided in Rule 2.

No person after suspension by the certifying surgeon shall work without the written sanction of the certifying surgeon.

9. Every person employed in any room in which colour processes are carried on shall, when at work, wear an overall suit and head covering, which shall not be worn outside the factory or workshop, and which shall not be removed therefrom except for the purpose of being washed. All overalls and head coverings shall be washed or renewed at least once a week.

The overalls and head coverings, when not being worn, shall be deposited in the place provided for the purpose under Rule 4.

Clothing put off during working hours shall be deposited in the place provided for the purpose under Rule 4.

It shall be a sufficient compliance with the requirements of this rule as to head coverings if they are made of suitable glazed paper and renewed once a week. The head coverings shall be made so as completely to cover the hair and to the satisfaction of the inspector.

10. No person shall remain during meal-times in any place in which is carried on the making of transfers; or prepare or partake of any food or drink therein at any time.

11. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided by the employers for the ventilation of the workshops and for the removal of dust.

12. No person employed shall leave the works or partake of meals without previously and carefully cleaning and washing his or her hands.

For the Manufacture of White Lead (a).

In these Rules "person employed in a lead process" means a person who is employed in any work or process involving exposure to white lead, or to lead or lead compounds used in its manufacture, or who is admitted to any room or part of the factory where such process is carried on.

Any approval given by the Chief Inspector of Factories in pursuance of Rules 2, 4, 6, 9, or 12 shall be given in writing, and may at any time be revoked by notice in writing signed by him.

Duties of Occupiers.

1. On and after July 1st, 1899, no part of a white lead factory shall be constructed, structurally altered, or newly used, for any process in which white lead is manufactured or prepared for sale, unless the plans have previously been submitted to and approved in writing by the Chief Inspector of Factories.

2.—(a) Every stack shall be provided with a standpipe and movable hose, and an adequate supply of water distributed by a rose.

(b) Every white bed shall, on the removal of the covering boards, be effectually damped by the means mentioned above.

Where it is shown to the satisfaction of the Chief Inspector of Factories that there is no available public water service in the district, it shall be a sufficient compliance with this Rule if each white bed is, on the removal of the covering boards, effectually damped by means of a watering can.

3. Where white lead is made by the chamber process, the chamber shall be kept moist while the process is in operation, and the corrosions shall be effectually moistened before the chamber is emptied.

4.—(a) Corrosions shall not be carried except in trays of impervious material.

(b) No person shall be allowed to carry on his head or shoulder a tray of corrosions which has been allowed to rest directly upon the corrosions, or upon any surface where there is white lead.

(c) All corrosions before being put into the rollers or washbecks, shall be effectually damped, either by dipping the tray containing them in a trough of water or by some other method approved by the Chief Inspector of Factories.

5. The flooring round the rollers shall either be of smooth cement or be covered with sheet lead, and shall be kept constantly moist.

6. On and after January 1st, 1901, except as hereinafter provided:

(a) Every stove shall have a window, or windows, with a total area of not less than 8 square feet, made to open, and so placed as to admit of effectual through ventilation.

(b) In no stove shall bowls be placed on a rack which is more than 10 feet from the floor.

(c) Each bowl shall rest upon the rack and not upon another bowl.

(d) No stove shall be entered for the purpose of drawing until the temperature at a height of 5 feet from the floor has fallen either to 70° F., or to a point not more than 10° F. above the temperature of the air outside.

(e) In drawing any stove or part of a stove there shall not be more than one stage or standing place above the level of the floor.

Provided that if the chief inspector approves of any other means of ventilating a stove, as allowing of effectual through ventilation, such means may be adopted, notwithstanding paragraph (a) of this Rule; and if he approves of any other method of setting and drawing the stoves, as effectually preventing white lead from falling upon any worker, such method may be followed, notwithstanding paragraphs (b) and (e) of this Rule.

7. No person shall be employed in drawing Dutch stoves on more than two days in any week.

8. No dry white lead shall be deposited in any place that is not provided either with a cover or with a fan effectually removing the dust from the worker.

9. On and after January 1st, 1900, the packing of dry white lead shall be done only under conditions which secure the effectual removal of dust, either by exhaust fans or by other efficient means approved in each case by the Chief Inspector of Factories.

This rule shall not apply where the packing is effected by mechanical means entirely closed in.

10. The floor of any place where packing of dry white lead is carried on shall be of cement, or of stone set in cement.

11. No woman shall be employed or allowed in the white beds, rollers, washbecks, or stoves, or in any place where dry white lead is packed, or in other work exposing her to white lead dust.

12.—(a) A duly qualified medical practitioner (in these Rules referred to as the “appointed surgeon”) shall be appointed by the occupier for each factory, such appointment to be subject to the approval of the Chief Inspector.

(b) No person shall be employed in a lead process for more than a week without a certificate of fitness granted after examination by the appointed surgeon.

(c) Every person employed in a lead process shall be examined once a week by the appointed surgeon, who shall have power to order suspension from employment in any place or process.

(d) No person after such suspension shall be employed in a lead process without the written sanction of the appointed surgeon.

(e) A register in a form approved by the Chief Inspector of Factories shall be kept, and shall contain a list of all persons employed in lead processes. The appointed surgeon will enter in the register the dates and results of his examinations of the persons employed, and particulars of any directions given by him. The register shall be produced at any time when required by H.M. inspectors of factories or by the certifying surgeon or by the appointed surgeon.

13. Upon any person employed in a lead process complaining of being unwell, the occupier shall, with the least possible delay, give an order upon a duly qualified medical practitioner.

14. The occupier shall provide and maintain sufficient and suitable respirators, overalls, and head-coverings, and shall cause them to be worn as directed in Rule 29.

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

They shall be thoroughly washed or renewed every week ; and those which have been used in the stoves, and all respirators, shall be washed or renewed daily.

15. The occupier shall provide and maintain a dining-room and a cloak-room in which workers can deposit clothing put off during working hours.

16. No person employed in a lead process shall be allowed to prepare or partake of any food or drink except in the dining-room or kitchen.

17. A supply of a suitable sanitary drink, to be approved by the appointed surgeon, shall be kept for the use of the workers.

18. The occupier shall provide and maintain a lavatory for the use of the workers, with soap, nail brushes, and at least one lavatory basin for every five persons employed. Each such basin shall be fitted with a waste pipe. There shall be a constant supply of hot and cold water laid on, except where there is no available public water service, in which case the provision of hot and cold water shall be such as shall satisfy the inspector in charge of the district.*

The lavatory shall be thoroughly cleaned and supplied with clean towels after every meal.

There shall, in addition, be means of washing in close proximity to the workers of each department, if required by notice in writing from the inspector in charge of the district.

There shall be facilities, to the satisfaction of the inspector in charge of the district, for the workers to wash out their mouths.

19. Before each meal, and before the end of the day's work, at least ten minutes in addition to the regular meal times, shall be allowed to each worker for washing.

A notice to this effect shall be affixed in each department.

20. The occupier shall provide and maintain sufficient baths and dressing-rooms for all persons employed in lead processes, with hot and cold water, soap, and towels, and shall cause each such person to take a bath once a week at the factory.

A bath register shall be kept, containing a list of all persons employed in lead processes, and an entry of the date when each person takes a bath.

This register shall be produced at any time when required by H.M. inspectors of factories or by the certifying surgeon or by the appointed surgeon.

21. The dressing-rooms, baths, and w.c.'s shall be cleaned daily.

22. The floor of each workroom shall be cleaned daily, after being thoroughly damped.

Duties of Persons Employed.

23. No person shall strip a white bed or empty a chamber without previously effectually damping as directed in Rules 2 and 3.

24. No person shall carry corrosions, or put them into the rollers or washbecks, otherwise than as permitted by Rule 4.

25. No person shall set or draw a stove otherwise than as permitted by Rules 6 and 7.

26. No person shall deposit or pack dry white lead otherwise than as permitted by Rules 8 and 9.

27. Every person employed in a lead process shall present himself at the appointed times for examination by the appointed surgeon, as provided in Rule 12.

28. No person, after suspension by the appointed surgeon, shall work in a lead process without his written sanction.

29. Every person engaged in—

White beds,

Emptying chambers,

Rollers, washbecks, or grinding,

Setting or drawing stoves,
Packing,
Paint mixing,
Handling dry white lead,

or in any work involving exposure to white lead dust, shall, while so occupied, wear an overall suit and head-covering.

Every person engaged in stripping white beds, or in emptying chambers, or in drawing stoves, or in packing, shall in addition wear a respirator while so occupied.

30. Every person engaged in any place or process named in Rule 29 shall, before partaking of meals or leaving the premises, deposit the overalls, head-coverings, and respirators in the place appointed by the occupier for the purpose, and shall thoroughly wash face and hands in the lavatory.

31. Every person employed in a lead process shall take a bath at the factory at least once a week, and wash in the lavatory before bathing ; having done so, he shall at once sign his name in the bath register, with the date.

32. No person employed in a lead process shall smoke or use tobacco in any form, or partake of food or drink, elsewhere than in the dining-room or kitchen.

33. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided for the removal of dust.

34. The foreman shall report to the manager, and the manager shall report to the occupier, any instance coming under his notice of a worker neglecting to observe these Rules.

35. No person shall obtain employment under an assumed name or under any false pretence.

* The following Rule is in force in certain works in substitution for paragraph 1 of Rule 18 :

“The occupier shall provide and maintain in a cleanly state and in good repair for the use of persons employed a lavatory containing either—

“(a) At least one lavatory basin for every five such persons, fitted with a waste pipe, or placed in a trough having a waste pipe, and having a constant supply of hot and cold water, or warm water, laid on ; or

“(b) Troughs of enamel or similar smooth impervious material, fitted with waste pipes without plugs, and having a constant supply of hot and cold water, or warm water, laid on. The length of such troughs shall be in a proportion of not less than two feet for every five persons employed.

“He shall also provide in the lavatory, soap, nail brushes, and a sufficient supply of towels.”

(a) **White Lead.**—In *Creedy v. Hannay* (1889), 16 Rettie, 993, the Court of Session held that sulphate of lead is not “white lead” within the meaning of the repealed Factory Act of 1883, because the only white lead known to commerce in 1883 was the soluble and poisonous carbonate. Subsequently the insoluble and practically non-poisonous sulphate came into use for the same purposes, and the special rules in force in 1889 were not applicable to its manufacture.

For the Manufacture of Red and Orange Lead.*Duties of Occupiers.*

In drawing charges of massicot, or of red lead, or of orange lead, from the furnace, they shall not allow the charges of massicot, or of red lead, or of orange lead, to be discharged on to the floor of the factory or workshop, but shall arrange that it be shovelled, not raked, into waggons.

They shall arrange that no red or orange lead shall be packed in the room or rooms where the manufacture is actually carried on.

They shall arrange that no red or orange lead shall be packed in casks or other receptacles except in a place provided with a hood connected with a fan, or shall provide other suitable means to create an effective draught.

They shall provide sufficient bath accommodation for all persons employed in the manipulation of red and orange lead, and lavatories, with a good supply of hot water, soap, nail brushes, and towels for the use of such persons.

They shall arrange for a monthly visit by a medical man who shall examine every worker individually, and who shall enter the result of each examination in a register book to be provided by the said occupiers.

They shall provide a sufficient supply of approved sanitary drink for the workers.

Duties of Persons Employed.

In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows :

“If any person who is bound to observe any Special Rules established for any factory or workshop under this Act acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

For the Manufacture of Yellow Lead.*Duties of Occupiers.*

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail brushes, and towels.

They shall provide respirators and overall suits for the persons employed in all dry processes.

They shall provide fans or other suitable means of ventilation wherever dust is generated in the process of manufacture.

They shall provide a sufficient supply of Epsom salts and of an approved sanitary drink.

Duties of Persons Employed.

In cases where the co-operation of the workers is required for carrying out the foregoing Rules and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows :

“ If any person who is bound to observe any Special Rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

Respirators.—A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink suggested.—Sulphate of magnesia, 2 ozs. ; water, 1 gallon ; essence of lemon sufficient to flavour.

For Lead Smelting.*Duties of Occupiers.*

They shall provide respirators and overall suits for the use of all persons employed in cleaning the flues, and take means to see that the same are used.

They shall arrange that no person be allowed to remain at work more than two hours at a time in a flue. (A rest of half-an-hour before re-entering will be deemed sufficient.)

They shall provide sufficient bath accommodation for all persons employed in cleaning the flues, and every one so employed shall take a bath before leaving the works.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail-brushes and towels.

Duties of Persons Employed.

In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows :

“ If any person who is bound to observe any Special Rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

***For Enamelling of Iron Plates with use of Lead, Arsenic or Antimony.**

Duties of Occupiers.

1. They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes, and towels, and take measures to secure that every worker wash face and hands before meals and before leaving the works.

2. They shall provide suitable respirators, overall suits, and head coverings for all workers employed in the processes of grinding, dusting, and brushing.

3. They shall adopt measures on and after the first day of October, 1894, in the dusting and brushing processes for the removal of all superfluous dust, by the use of perforated benches or tables supplied with fans to carry the dust down through the apertures of such benches or tables, the under part of which must be boxed in.

4. They shall provide a sufficient supply of approved sanitary drink, and shall cause the workpeople to take it.

5. They shall arrange for a medical inspection of all persons employed, at least once a month.

They shall see that no female is employed without previous examination and a certificate of fitness from the medical attendant of the works.

They shall see that no person who has been absent from work through illness shall be re-employed without a medical certificate to the effect that he or she has recovered.

6. Upon any person employed in the works complaining of being unwell, the occupier shall, with the least possible delay, and at his own expense, give an order upon a doctor for professional attendance and medicine. It is to be understood that this Rule will not apply to persons suffering from complaints which have not been contracted in the process of manufacture.

7. They shall provide a place or places free from dust and damp in which the operatives can hang up the clothes in which they do not work.

(It is recommended that they shall provide for each female before the day's work begins some light refreshment, such as a half-pint of milk and a biscuit.)

Duties of Persons Employed.

8. Every person to whom is supplied a respirator or overall and head covering shall wear the same when at the work for which such are provided.

9. Every person shall carefully clean and wash hands and face before meals and before leaving the works.

10. No food shall be eaten by any person in any part of the works except in the apartment specially provided for the purpose.

11. No person may seek employment under an assumed name or under any false pretence.

Respirators.—A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink suggested.—Sulphate of magnesia, 2 ozs. ; water, 1 gallon ; essence of lemon, sufficient to flavour.

* Regulations for the Vitreous Enamelling of Metal or Glass (*see* Appendix B., *post*, p. 399) will come into force on April 1st, 1909, and will then supersede these Special Rules.

*** For Tinning and Enamelling of Metal Hollow Ware and Cooking Utensils with use of Lead or Arsenic.**

Duties of Occupiers.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes, and towels ; and take measures to secure that every worker wash face and hands before meals and before leaving the works.

† They shall see that no food is eaten in any room where the process of tinning or enamelling is carried on.

Duties of Persons Employed.

Every worker shall wash face and hands before meals and before leaving the works.

† No worker shall eat food in any room where the process of tinning or enamelling is carried on.

* Regulations for the Vitreous Enamelling of Metal or Glass (*see* Appendix B., *post*, p. 399) will come into force on April 1st, 1909, and will then supersede the Special Rules for the Enamelling of Metal Hollow Ware and Cooking Utensils.

† The following Rules are in force in certain works in substitution for the second and fourth Rules respectively :

“2. They shall not allow the persons employed in tinning to eat food in any room at the time the process of tinning is being carried on.

“4. The workers employed in tinning shall not eat food in any room at the time the process of tinning is being carried on.”

*** For Tinning and Enamelling of Iron Hollow Ware with use of Lead or Arsenic.**

Duties of Occupiers.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes, and towels ; and take measures to secure that every worker wash face and hands before meals and before leaving the works.

They shall see that no food is eaten in any room where the process of tinning or enamelling is carried on.

Duties of Persons Employed.

In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is

not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows :

“If any person who is bound to observe any Special Rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

* Regulations for the Vitreous Enamelling of Metal or Glass (*see* Appendix B., *post*, p. 399) will come into force on April 1st, 1909, and will then supersede the Special Rules for the Enamelling of Iron Hollow Ware.

† **For Mixing and Casting of Brass, Gun Metal, Bell Metal, White Metal, Delta Metal, Phosphor Bronze, and Manilla Mixture.**

Duties of Occupiers.

1. They shall provide adequate means for facilitating, as far as far as possible, the emission or escape from the shop of any noxious fumes or dust arising from the above-named processes. Such means shall include the provision of traps or of louver gratings in the roof or ceiling of any shop in which such processes, or either of them, is or are carried on ; or in case of a mixing or casting shop which is situated under any other shop, there shall be provided an adequate flue or shaft (other than any flue or shaft in connection with a furnace or fireplace) to carry any fumes from the mixing or casting shop, by or through any such shop that may be situated above it.

2. They shall cause all such mixing or casting shops, whether defined as factories or as workshops under the Factory and Workshop Act, 1878, to be cleaned down and limewashed once at least within every twelve months, or once within every six months if so required by notice in writing from H.M. inspector of factories and workshops, dating from the time when these were last thus cleaned down and limewashed ; and they shall record the dates of such cleaning down and limewashing in a prescribed form of register.

3. They shall provide a sufficient supply of metal basins, water, and soap, for the use of all persons employed in such mixing or casting shops.

4. They shall not employ, or allow within their factory or workshop the employment of, any woman or female young person, in any process whatever, in any such mixing or casting shop, or in any portion thereof which is not entirely separated by a partition extending from the floor to the ceiling.

Duties of Persons Employed.

5. They shall not partake of, or cook any food in any such mixing or casting shop, within a period of at least ten minutes after the completion of the last pouring of metal in that shop.

† Regulations for the Casting of Brass have been made (*see ante*, p. 286), and will take effect on January 1st, 1910. Meanwhile the Special Rules will remain in force.

*** For Lucifer Match Factories in which White or Yellow Phosphorus is used.**

Amended Special Rules settled by Arbitration, March 31st, 1900.

In these Rules "phosphorus process" means mixing, dipping, drying, boxing, and any other work or process in which white or yellow phosphorus is used; and "person employed in a phosphorus process" means any person who is employed in any room or part of the factory where such a process is carried on.

"Double dipped matches" means wood splints both ends of which have been dipped in the igniting composition.

"Certifying surgeon" means a surgeon appointed under the Factory and Workshop Acts.

Any approval or decision given by the Chief Inspector of Factories in pursuance of these Rules shall be given in writing, and may at any time be revoked by notice in writing signed by him.

Rules 5 (a), 5 (b), 6, 8, and 19, so far as they affect the employment of adult workers, shall not come into force until the 1st day of October, 1900.

Duties of Employers.

1. No part of a lucifer match factory shall be constructed, structurally altered, or newly used, for the carrying on of any phosphorus process, unless the plans have previously been submitted in duplicate to the Chief Inspector of Factories, and unless he shall have approved the plans in writing, or shall not within six weeks from the submission of the plans have expressed his disapproval in writing of the same.

2. Every room in which mixing, dipping, drying or boxing is carried on—

shall be efficiently ventilated by means of sufficient openings to the outer air, and also by means of fans, unless the use of fans is dispensed with by order in writing of the Chief Inspector;

shall contain at least 400 cubic feet of air space for each person employed therein; and in computing this air space no height above 14 feet shall be taken into account;

shall be efficiently lighted;

shall have a smooth and impervious floor. A floor laid with flagstones or hard bricks in good repair shall be deemed to constitute a smooth and impervious floor.

3.—(a) The processes of mixing, dipping, and drying shall each be done in a separate and distinct room. The process of boxing double dipped matches or matches not thoroughly dry shall also be done in a separate and distinct room. These rooms shall not communicate with any other part of the factory unless there shall be a ventilated space intervening; nor shall they communicate with one another, except by means of doorways with closely-fitting

doors, which doors shall be kept shut except when some person is passing through.

(b) Mixing shall not be done except in an apparatus so closed, or so arranged, and ventilated by means of a fan, as to prevent the entrance of fumes into the air of the mixing room.

(c) Dipping shall not be done except on a slab provided with an efficient exhaust fan, and with an air inlet between the dipper and the slab, or with a hood so arranged as to draw the fumes away from the dipper, and to prevent them from entering the air of the dipping room.

(d) Matches that have been dipped and cannot at once be removed to the drying room shall immediately be placed under a hood provided with an efficient exhaust fan, so arranged as to prevent the fumes from entering the air of the room.

(e) Matches shall not be taken to a boxing room not arranged in compliance with sub-section (f) of this Rule until they are thoroughly dry, and matches shall not be taken to a boxing room that is so arranged until they are dried so far as they can be before cutting down and boxing.

(f) Cutting down of double-dipped matches and boxing of matches not thoroughly dry shall not be done except at benches or tables provided with an efficient exhaust fan, so arranged as to draw the fumes away from the worker and prevent them from entering the air of the boxing room.

Provided that the foregoing Rule shall not prevent the employment of any mechanical arrangement for carrying on any of the above-mentioned processes if the same be approved by the Chief Inspector as obviating the use of hand labour, and if it be used subject to the conditions (if any) specified in such approval.

Provided further that if the Chief Inspector shall, on consideration of the special circumstances of any particular case, so approve in writing, all or any of the provisions of the foregoing Rule may be suspended for the time named in such approval in writing.

4. Vessels containing phosphorus paste shall, when not actually in use, be kept constantly covered, and closely-fitting covers or damp flannels shall be provided for the purpose.

5.—(a) For the purposes of these Rules the occupier shall appoint, subject to the approval of the Chief Inspector, a duly qualified and registered dentist, herein termed the appointed dentist.

It shall be the duty of the appointed dentist to suspend from employment in any phosphorus process any person whom he finds to incur danger of phosphorus necrosis by reason of defective conditions of teeth or exposure of the jaw.

(b) No person shall be newly employed in a dipping room for more than twenty-eight days, whether such days are consecutive or not, without being examined by the appointed dentist.

(c) Every person employed in a phosphorus process, except persons employed only as boxers of wax vestas or other thoroughly dry matches, shall be examined by the appointed dentist at least once in every three months.

(d) Any person employed in the factory complaining of tooth-ache, or a pain or swelling of the jaw, shall at once be examined by the appointed dentist.

(e) When the appointed dentist has reason to believe that any person employed in the factory is suffering from inflammation or necrosis of the jaw, or is in such a state of health as to incur danger of phosphorus necrosis, he shall at once direct the attention of the certifying surgeon and occupier to the case. Thereupon such person shall at once be examined by the certifying surgeon.

6. No person shall be employed in a phosphorus process—

after suspension by the appointed dentist ; or

after the extraction of a tooth ; or

after any operation involving exposure of the jaw bone ; or

after inflammation or necrosis of the jaw ; or

after examination by the appointed dentist in pursuance of Rule 5 (d) ; or

after reference to the certifying surgeon in pursuance of Rule 5 (e), unless a certificate of fitness has been given, after examination, by signed entry in the health register, by the appointed dentist or by the certifying surgeon in cases referred to him under Rule 5 (e).

7. A health register, in a form approved by the Chief Inspector of Factories, shall be kept by the occupier, and shall contain a complete list of all persons employed in each phosphorus process, specifying with regard to each such person the full name, address, age when first employed, and date of first employment.

The certifying surgeon will enter in the health register the dates and results of his examinations of persons employed in phosphorus processes, and particulars of any directions given by him.

The appointed dentist will enter in the health register the date and results of his examinations of the teeth of persons employed in phosphorus processes, and particulars of any directions given by him, and a note of any case referred by him to the certifying surgeon.

The health register shall be produced at any time when required by H.M. inspectors of factories, or by the certifying surgeon, or by the appointed dentist.

8. Except persons whose names are on the health register mentioned in Rule 7, and in respect of whom certificates of fitness shall have been granted, no person shall be newly employed in any phosphorus process for more than 28 days, whether such days are consecutive or not, without a certificate of fitness, granted after examination by the certifying surgeon, by signed entry in the health register.

This Rule shall not apply to persons employed only as boxers of wax vestas or other thoroughly dry matches.

9. The occupier shall provide and maintain sufficient and suitable overalls for all persons employed in phosphorus processes, except for persons employed only as boxers of wax vestas or other thoroughly dry matches, and shall cause them to be worn as directed in Rule 20.

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

They shall be thoroughly washed every week, and suitable arrangements for this purpose shall be made by the occupier.

10. The occupier shall provide and maintain—

(a) A dining room, and

(b) A cloak room in which workers can deposit clothing put off during working hours.

11. No person shall be allowed to prepare or partake of any food or drink in any room in which a phosphorus process is carried on, nor to bring any food or drink into such room.

12. The occupier shall provide and maintain for the use of the workers a lavatory, with soap, nail brushes, towels, and at least one lavatory basin for every five persons employed in any phosphorus process.

Each such basin shall be fitted with a waste pipe, or the basins shall be placed on a trough fitted with a waste pipe. There shall be a constant supply of hot and cold water laid on to each basin.

Or, in the place of basins, the occupier shall provide and maintain enamel or galvanized iron troughs, in good repair, of a total length of 2 feet for every five persons employed, fitted with waste pipes and without plugs, with a sufficient supply of warm water constantly available.

The lavatory shall be kept thoroughly cleansed, and shall be supplied with a sufficient quantity of clean towels twice in each day.

There shall, in addition, be means of washing in close proximity to the workers in any department if so required in writing by the inspector in charge of the district.

13. The occupier shall provide for the use of every person employed in a phosphorus process an antiseptic mouth-wash approved by the appointed dentist, and a sufficient supply of glasses or cups.

14. The floor of each room in which a phosphorus process is carried on shall be cleared of waste at least once a day, and washed at least once a week.

15. A printed copy of these Rules shall be given to each person on entering upon employment in a phosphorus process.

Duties of Persons Employed.

16. No person shall work in a mixing, dipping, drying, or boxing room under other conditions than those prescribed in Rule 3.

17. No person shall allow a vessel containing phosphorus paste to remain uncovered except when actually in use.

18. All persons employed in a phosphorus process shall present themselves at the appointed times for examination by the certifying surgeon and appointed dentist, as provided in Rules 5, 6 and 8.

19. Every person employed in a phosphorus process and suffering from toothache or swelling of the jaw, or having had a tooth extracted, or having undergone any other operation involving

exposure of the jaw, shall at once inform the occupier, and shall not resume employment in a phosphorus process without a certificate of fitness from the appointed dentist, as provided in Rule 6.

No person, after suspension by the appointed dentist, or after reference to the certifying surgeon, shall resume employment in a phosphorus process without a certificate of fitness, as provided in Rule 6.

20. Every person employed in a phosphorus process for whom the occupier is required by Rule 9 to provide overalls shall wear while at work the overalls so provided.

21. Every person employed in a phosphorus process shall, before partaking of meals or leaving the premises, deposit the overalls in the place appointed by the occupier for the purpose, and shall thoroughly wash in the lavatory.

22. No person shall prepare or partake of food or drink in any room in which a phosphorus process is carried on, or bring any food or drink into such room.

23. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided for the removal of dust and fumes.

24. Foremen and forewomen shall report to the manager any instance coming under their notice of a worker neglecting to observe these Rules.

* The White Phosphorus Matches Prohibition Act, 1908 (*post*, p. 396), comes into operation on January 1st, 1910, and meanwhile the Special Rules remain in force.

For Handling of Dry and Drysalted Hides and Skins Imported from China or from the West Coast of India.

Duties of Occupier.

1. Proper provision to the reasonable satisfaction of the inspector in charge of the district shall be made for the keeping of the workmen's food and clothing outside any room or shed in which any of the above-described hides or skins are unpacked, sorted, packed, or stored.

2. Proper and sufficient appliances for washing, comprising soap, basins, with water laid on, nail-brushes and towels, shall be provided and maintained for the use of the workmen, to the reasonable satisfaction of the inspector in charge of the district.

3. Sticking plaster, and other requisites for treating scratches and slight wounds, shall be kept at hand, available for the use of the persons employed.

4. A copy of the appended notes shall be kept affixed with the Rules.

Duties of Persons Employed.

5. No workman shall keep any food, or any articles of clothing other than those he is wearing, in any room or shed in which any of the above-described hides or skins are handled.

He shall not take any food in any such room or shed.

6. Every workman having any open cut or scratch or raw surface, however trifling, upon his face, head, neck, arm, or hand shall immediately report the fact to the foreman, and shall not work on the premises until the wound is healed or is completely covered by a proper dressing after being thoroughly washed.

NOTE 1.—The danger against which these Rules are directed is that of anthrax—a fatal disease affecting certain animals, which may be conveyed from them to man by the handling of hides of animals which have died of the disease. The germs of the disease (anthrax spores) are found in the dust and in the substance of the hide, and may remain active for years. In this country anthrax is rare, and precautions are taken to prevent infected hides from coming into the market, consequently there is little danger in handling the hides of animals slaughtered in the United Kingdom: but in Russia, China, and the East Indies, and in many other parts of the world, the disease is common, and infected hides (which do not differ from others in appearance) are often shipped to British ports. Hence in handling foreign dry hides the above Rules should be carefully observed. Wet salted hides are free from dust, and less risk is incurred in handling them.

The disease is communicated to man sometimes by breathing or swallowing the dust from an infected hide, but much more usually by the poison lodging in some point where the skin is broken—such as a fresh scratch or cut or a scratched pimple, or even chapped hands. This happens most readily on the uncovered parts of the body, the hand, arm, face, and most frequently of all on the neck—owing either to an infected hide rubbing against the bare skin, or to dust from such a hide alighting on the raw surface. But a raw surface covered by clothing is not free from risk, for dust lodging upon the clothes may sooner or later work its way to the skin beneath. Infection may also be brought about by rubbing or scratching a pimple with hand or nail carrying the anthrax poison.

The first symptom of anthrax is usually a small inflamed swelling like a pimple or boil, often quite painless, which extends and in a few days becomes black at the centre and surrounded by other “pimples.” The poison is now liable to be absorbed into the system and will cause risk to life, which can be avoided only by prompt and effective medical treatment in the early stage while the poison is still confined to the pimple. Hence it is of the utmost importance that a doctor should *at once* be consulted if there is any suspicion of infection.

NOTE 2.—Suitable overalls, protecting the neck and arms, as well as ordinary clothing, add materially to the safety of the workmen, and should be provided and worn, where practicable, if dangerous hides are handled. They should be discarded on cessation of work. Similarly for the protection of the hands, gloves should be provided and worn where the character of the work permits.

For Manufacture of Bichromate or Chromate of Potassium or Sodium.

In these Rules “person employed in a chrome process” means a person who is employed in any work involving contact with chromate or bichromate of potassium or sodium, or involving exposure to dust or fumes arising from the manufacture thereof.

Any approval given by the Chief Inspector in pursuance of Rule 10 shall be given in writing, and may at any time be revoked by notice in writing signed by him.

Duties of Occupiers.

1. No uncovered pot, pan, or other structure containing liquid of a dangerous character shall be so constructed as to be less than 3 feet in height above the adjoining ground or platform.

This Rule shall not apply to any pot, pan, or other structure constructed before January 1st, 1899, or in which a height of 3 feet is impracticable by reason of the nature of the work to be carried on : provided in either case that the structure is securely fenced.

2. There shall be a clear space round all pots, pans, or other structures containing liquid of a dangerous character, except where any junction exists, in which case a barrier shall be so placed as to prevent passage.

3. No unfenced plank or gangway shall be placed across any pot, pan, or other structure containing liquid of a dangerous character.

4. The lighting of all dangerous places shall be made thoroughly efficient.

5. The grinding, separating, and mixing of the raw materials (including chrome ironstone, lime, and sodium and potassium carbonate) shall not be done without such appliances as will prevent, as far as possible, the entrance of dust into the work-rooms.

6. " Batches," when withdrawn from the furnaces, shall either be placed in the keaves or vats while still warm, or be allowed to cool in barrows, or other receptacles.

7. Evaporating vessels shall be covered in, and shall be provided with ventilating shafts to carry the steam into the outside air.

8. Packing or crushing of bichromate of potassium or sodium shall not be done except under conditions which secure either the entire absence of dust or its effectual removal by means of a fan.

9. No child or young person shall be employed in a chrome process.

10.—(a) The occupier shall, subject to the approval of the Chief Inspector, appoint a duly qualified medical practitioner (in these Rules referred to as the appointed surgeon), who shall examine all persons employed in chrome processes at least once in every month, and shall undertake any necessary medical treatment of disease contracted in consequence of such employment, and shall, after the 30th day of April, 1900, have power to suspend any such person from work in any place or process.

(b) No person after such suspension shall be employed in any chrome process without the written sanction of the appointed surgeon.

(c) A register shall be kept in a form approved by the Chief Inspector, and shall contain a list of all persons employed in

any chrome process. The appointed surgeon shall enter in the register the dates and results of his examinations of the persons employed and particulars of any treatment prescribed by him. The register shall be produced at any time when required by H.M. inspectors of factories or by the appointed surgeon.

11. Requisites (approved by the appointed surgeon) for treating slight wounds and ulcers shall be kept at hand and be placed in charge of a responsible person.

12. The occupier shall provide sufficient and suitable overall suits for the use of all persons engaged in the processes of grinding the raw materials ; and sufficient and suitable overall suits or other adequate means of protection approved in writing by the appointed surgeon, for the use of all persons engaged in the crystal department or in packing.

Respirators approved by the appointed surgeon shall be provided for the use of all persons employed in packing or crushing bichromate of sodium or potassium.

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

The overalls and respirators shall be thoroughly washed or renewed every week.

13. The occupier shall provide and maintain a cloak-room in which workers can deposit clothing put off during working hours.

14. The occupier shall provide and maintain a lavatory for the use of the persons employed in chrome processes ; with soap, nail brushes, and towels, and a constant supply of hot and cold water laid on to each basin. There shall be at least one lavatory basin for every five persons employed in the crystal department and in packing. Each such basin shall be fitted with a waste pipe, or shall be placed in a trough fitted with a waste pipe.

15. The occupier shall provide and maintain sufficient baths and dressing rooms for all persons employed in chrome processes, with hot and cold water laid on, and a sufficient supply of soap and towels ; and shall cause each person employed in the crystal department and in packing to take a bath once a week at the factory.

A bath register shall be kept containing a list of all persons employed in the crystal department and in packing, and an entry of the date when each person takes a bath.

The bath register shall be produced at any time when required by H.M. inspectors of factories.

16. The floors, stairs, and landings, shall be cleaned daily.

Duties of Persons Employed.

17. No person shall deposit a "batch" when withdrawn from the furnace upon the floor nor transfer it to the keaves or vats otherwise than as prescribed in Rule 6.

18. No person shall pack or crush bichromate of potassium or sodium otherwise than as prescribed in Rule 8.

19.—(a) Every person employed in a chrome process shall present himself at the appointed times for examination by the appointed surgeon as provided in Rule 10.

(b) After the 30th day of April, 1900, no person suspended by the appointed surgeon shall work in a chrome process without his written sanction.

20. Every person engaged in the processes of grinding the raw materials shall wear an overall suit, and every person engaged in the crystal department or in packing shall wear an overall suit or other adequate means of protection approved by the appointed surgeon.

Every person employed in packing or crushing bichromate of sodium or potassium shall in addition wear a respirator while so occupied.

21. Every person employed in the processes named in Rule 20 shall before leaving the premises deposit the overalls and respirators in the place appointed by the occupier for the purpose, and shall thoroughly wash face and hands in the lavatory.

22. Every person employed in the crystal department and in packing shall take a bath at the factory at least once a week; and, having done so, he shall at once sign his name in the bath register with the date.

23. The foreman shall report to the manager any instance coming under his notice of a workman neglecting to observe these Rules.

For Vulcanising of India-Rubber by means of Bisulphide of Carbon.

Duties of Employers.

1. No child or young person shall be employed in any room in which bisulphide of carbon is used.

2. After May 1st, 1898, no person shall be employed for more than five hours in any day in a room in which bisulphide of carbon is used, nor for more than two and a-half hours at a time without an interval of at least an hour.

3. In vulcanising waterproof cloth by means of bisulphide of carbon—

(a) the trough containing the bisulphide of carbon shall be self-feeding and covered over;

(b) the cloth shall be conveyed to and from the drying-chamber by means of an automatic machine;

(c) no person shall be allowed to enter the drying-chamber in the ordinary course of work;

(d) the machine shall be covered over and the fumes drawn away from the workers by means of a downward suction fan maintained in constant efficiency.

4. Dipping shall not be done except in boxes so arranged that a suction fan shall draw the fumes away from the workers.

5. No food shall be allowed to be eaten in any room in which bisulphide of carbon is used.

6. A suitable place for meals shall be provided.

7. All persons employed in rooms in which bisulphide of carbon is used shall be examined once a month by the certifying surgeon

for the district, who shall, after May 1st, 1898, have power to order temporary or total suspension from work.

8. No person shall be employed in any room in which bisulphide of carbon is used, contrary to the direction of the certifying surgeon given as above.

9. A register in the form which has been prescribed by the Secretary of State for use in india-rubber works shall be kept, and in it the certifying surgeon will enter the dates and result of his visits, with the number of persons examined, and particulars of any directions given by him. This register shall contain a list of all persons employed in rooms in which bisulphide of carbon is used, and shall be produced at any time when required by H.M. inspector of factories or by the certifying surgeon.

Duties of Persons Employed.

10. No person shall enter the drying room in the ordinary course of work, or perform dipping except in boxes provided with a suction fan carrying the fumes away from the workers.

11. No person shall take any food in any room in which bisulphide of carbon is used.

12. After May 1st, 1898, no person shall, contrary to the direction of the certifying surgeon, given in pursuance of Rule 7, work in any room in which bisulphide of carbon is used.

13. All persons employed in rooms in which bisulphide of carbon is used shall present themselves for periodic examination by the certifying surgeon, as provided in Rule 7.

14. It shall be the duty of all persons employed to report immediately to the employer or foreman any defect which they may discover in the working of the fan or in any appliance required by these Rules.

NOTE.—Rules 3 (a) and 3 (b) are not in force in certain works, and in certain other works, Rule 2 is modified by the following proviso :

“Provided that in a room where only tubing and small articles are vulcanised and where there is a space of not less than 1,000 cubic feet for each person employed, the periods of employment in this Rule may be increased to seven hours and three and a-half hours respectively.”

For Chemical Works.

1. In future every uncovered pot, pan, or other structure containing liquid of a dangerous character, shall be so constructed as to be at least 3 feet in height above the ground or platform. Those already in existence which are less than 3 feet in height, or in cases where it is proved to the satisfaction of an inspector that a height of 3 feet is impracticable, shall be securely fenced.

2. There shall be a clear space round such pots, pans, or other structures, or where any junction exists a barrier shall be so placed as to prevent passage.

3. Caustic pots shall be of such construction that there shall be no footing on the top or sides of the brickwork, and dome-shaped lids shall be used where possible.

4. No unfenced planks or gangways shall be placed across open pots, pans, or other structures containing liquid of a dangerous

character. This rule shall not apply to black ash vats where the vats themselves are otherwise securely fenced.

5. Suitable respirators shall be provided for the use of the workers in places where poisonous gases or injurious dust may be inhaled.

6. The lighting of all dangerous places shall be made thoroughly efficient.

7. Every place where caustic soda or caustic potash is manufactured shall be supplied with syringes or wash bottles, which shall be enclosed in covered boxes fixed in convenient places, in the proportion of one to every four caustic pots. They shall be of suitable form and size, and be kept full of clean water. Similar appliances shall be provided wherever, in the opinion of an inspector, they may be desirable.

8. Overalls, kept in a cleanly state, shall be provided for all workers in any room where chlorate of potash or other chlorate is ground. In every such room a bath shall be kept ready for immediate use.

In every chlorate mill, tallow or other suitable lubricant shall be used instead of oil.

9. Respirators charged with moist oxide of iron or other suitable substance, shall be kept in accessible places ready for use in cases of emergency arising from sulphuretted hydrogen or other poisonous gases.

10. In salt cake departments suitable measures shall be adopted by maintaining a proper draught and by other means to obviate the escape of low-level gases.

11. Weldon bleaching powder chambers, after the free gas has, as far as may be practicable, been drawn off or absorbed by fresh lime, shall, before being opened, be tested by the standard recognised under the Alkali Act. Such tests shall be duly entered in a register kept for the purpose.

All chambers shall be ventilated, as far as possible, when packing is being carried on, by means of open doors on opposite sides and openings in the roof so as to allow of a free current of air.

12. In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows: "If any person who is bound to observe any Special Rules, established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds."

NOTE.—The following additional Rules are in force in certain works:

13. A proper seal tube and pressure gauge shall be provided, maintained and used on every ammonia still and benzol still; and shall be kept in efficient working order by some one or more persons always on the plant specially adopted for the purpose.

14. No person shall smoke or strike a light, or have in his possession any matches or other means for striking a light in, on or about any benzol house, sulphate house, purifier house, or other place where exposure to explosive gases is liable to occur.

15. No person shall use or be permitted to use any naked light, whether fixed or portable, in, on or about any part of the plant, other than the coke bench.
16. In order to secure the enforcement of Rules 14 and 15, prominent notices, legible day and night, shall be affixed at every entrance to such houses as aforesaid and in the neighbourhood of dangerous mains or places.
17. A cylinder of compressed oxygen fitted with rubber tubing, reducing valve and mouthpiece, shall be kept in constant readiness, and in a place on the plant easily accessible by day and night, the position of which shall be indicated by a prominent notice.
18. The workers shall be drilled monthly in the use of the oxygen apparatus, and the occupier shall arrange for some one or more persons familiar with its use to be always on the plant.
19. No person shall be allowed to go near to any part of the plant, where he would be exposed to the danger of "gassing," unless accompanied at a safe distance by another person.

For Bottling of Aerated Water.

*Duties of Occupiers.**

1. They shall provide all bottlers with face-guards, masks, or veils of wire gauze.

They shall provide all wirers, sighters, and labellers with face-guards, masks, or veils of wire gauze, or goggles.

2. They shall provide all bottlers with full-length gauntlets for both arms.

They shall provide all wirers, sighters, and labellers with gauntlets for both arms, protecting at least half of the palm and the space between the thumb and forefinger.

3. They shall cause all machines for bottling to be so constructed, so placed, or so fenced, as to prevent as far as possible, during the operation of filling or corking, a fragment of a bursting bottle from striking any bottler, wirer, sighter, labeller or washer.

Duties of Persons Employed.

4. All bottlers shall, while at work, wear face-guards, masks, or veils of wire gauze.

All wirers, sighters, and labellers shall, while at work, wear face-guards, masks, or veils of wire gauze, or goggles; except labellers when labelling bottles standing in cases.

5. All bottlers shall, while at work, wear on both arms, full-length gauntlets. All wirers, sighters, and labellers shall, while at work, wear on both arms gauntlets protecting at least half of the palm and the space between the thumb and forefinger; except labellers when labelling bottles standing in cases.

The following modification is in force in certain works:

"Where the construction of a bottling machine is such that only one arm of the bottler at work upon it is exposed to danger, Rules 2 and 5, so far as they relate to such bottler, shall apply only to the arm which is exposed to danger."

* The employer is required to provide the articles mentioned in the rules, and to take all reasonable precautions to the best of his power to enforce their use, but the responsibility for the actual wearing of them rests with the person employed.

LIST OF OFFICIAL FORMS.

FOR USE UNDER THE FACTORY AND WORKSHOP ACTS.

In ordering, the official number as well as the title should be stated.

The Forms on sale may be obtained directly, or through any book-seller, from the undermentioned agents :

ENGLAND AND WALES.

Chief Agents: WYMAN & SONS, LIMITED, Fetter Lane, London, E.C.

Birmingham ...	...	Bookstalls, New Street and Snow Hill Stations.
Birmingham ...	...	H. P. Pope, 114, New Street.
Blackburn ...	...	Blackburn Paper Co., Limited, Randal Street.
Bradford ...	...	Tapps, Limited, Charles Street.
Brighton ...	...	Trill & Son, 21, Duke Street.
Bristol ...	...	J. W. Arrowsmith, Quay Street.
Burnley ...	...	Lupton Brothers, 38, Manchester Road.
Cambridge ...	...	A. P. Dixon, 9, Market Street.
Cardiff ...	...	W. Lewis, 22, Duke Street.
Carlisle ...	...	Thurnam & Sons, 11, English Street.
Halifax ...	...	King & Sons, Limited, Commercial Street.
Hull ...	...	Walker and Brown, Queen Street.
Ipswich ...	...	W. S. Cowell, Limited.
Leeds ...	...	Jowett and Sowry, Park Row.
Leicester ...	...	Clarke and Satchell, 5, Gallowtree Gate.
Liverpool ...	...	H. T. Woodrow & Co., 3, Cook Street.
Lowestoft ...	...	J. Rochford O'Driscoll, Dagmar House.
Luton ...	...	The <i>Luton Reporter</i> , 41, Park Street.
Manchester ...	...	Meredith, Ray & Littler, King Street.
Middlesbrough ...	...	T. Woolston, 22, Wilson Street.
Newcastle-on-Tyne ...	...	A Reed & Co., Ltd., Printing Court Buildings.
Newport, Mon. ...	...	Mullock & Sons, Limited, Austin Friars.
Northampton ...	...	H. Berrill, Abington Street.
Norwich ...	...	Jarrold & Sons, London Street.
Nottingham ...	...	J. & H. Bell, Limited, Carlton Street.
Plymouth ...	...	R. W. Stevens, The Parade.
Preston ...	...	W. S. Heane, 23, Fishergate.
Sheffield ...	...	Pawson and Brailsford, Church Gates.
Southampton ...	...	John Adams, 49, Oxford Street.
Stockton-on-Tees ...	...	E. Appleby, 59, High Street.
Stoke-on-Trent ...	...	Philip, Son and Nephew, 52, Liverpool Road.
Swansea ...	...	E. Davies & Co., Temple Building, Goat Street.
Wakefield ...	...	West Yorkshire Printing Co., Ltd., Bread Street.
Worcester ...	...	Baylis, Lewis & Co., 5, New Street.
Wrexham ...	...	Woodhall, Minshall & Thomas, Egerton Street.

Also at Messrs. Wyman's bookstalls on the Great Western, London and North Western and North London Railways.

SCOTLAND.

Chief Agents: OLIVER and BOYD, Tweeddale Court, Edinburgh.

Aberdeen	...	...	G. Dickie, 88, Union Street.
Dundee	...	...	Winter, Duncan & Co., Castle Street.
Glasgow	...	...	D. Robertson & Co., 23, Gordon Street.
Inverness	...	...	W. Mackay, High Street.

IRELAND.

Chief Agent: E. PONSONBY, 116, Grafton Street, Dublin.

Belfast	...	...	J. Thompson & Co., 99, Donegall Street.
Cork	...	...	Purcell & Co., 124, St. Patrick Street.
Londonderry	...	...	J. Forrester, 33, Strand Road.

Forms to be kept at the Works.

(Unless otherwise stated, the sections referred to are those of the Act of 1901.)

	Official Number.	Price.	Post- age.
ABSTRACTS OF FACTORY ACTS :			
*† Textile Factories	1	3d.	1d.
Supplementary, for Humid { Cotton Cloth ...	313	3d.	$\frac{1}{2}$ d.
Textile Factories ... { Other ...	314	3d.	$\frac{1}{2}$ d.
*† Print Works, Bleaching and Dyeing Works ...	5	3d.	1d.
*† Laundry Factories	6	3d.	1d.
*† Other Non-Textile Factories	2	3d.	1d.
*† Laundry Workshops	3	3d.	1d.
*† Other Workshops	4	3d.	1d.
† Docks, Wharves, Quays, Warehouses ...	56	3d.	$\frac{1}{2}$ d.
† Buildings in Course of Construction ...	57	3d.	$\frac{1}{2}$ d.
† Domestic Factories and Workshops ...	58	3d.	$\frac{1}{2}$ d.
† Men's Workshops	59	3d.	$\frac{1}{2}$ d.

* Including Notices of period of employment and times for meals, number of persons who may be employed in each room, and other particulars.

† Welsh editions are on sale.

‡ Welsh editions may also be obtained.

NOTICE OF HOURS and Intervals :

In tenement Factories, for separate tenements (s. 87)	47	1d.	$\frac{1}{2}$ d.
In other Works (s. 32). (Included in Abstracts)...	—	—	—

NOTICE OF AIR-SPACE in each room, and of number of persons who may be employed during ordinary hours

46 1d. $\frac{1}{2}$ d.

Required only where these entries are too numerous to be made in the space provided for the purpose on the Abstract.

GENERAL REGISTER (s. 129) :

For Factories and for Workshops in which certificates of fitness are required	37	6d.	1 $\frac{1}{2}$ d.
For other Workshops	38	3d.	$\frac{1}{2}$ d.

	Official Number.	Price.	Post- age.
GENERAL REGISTER (s. 129)— <i>continued</i> .			
The following Parts of the General Register are also issued separately in enlarged form :			
Part II., Young Persons	71	6d.	1½d.
Part III., Children	72	6d.	1½d.
Parts IV. and VIII., Accidents and Steam Boilers...	73	6d.	1½d.
Part VII., Employment in Factory or Workshop, and in Shop	74	3d.	1d.
SUPPLEMENTARY SHEET for certain Charitable and Reformatory Institutions (s. 5, 1907)	67	1d.	½d.
SCHOOL CERTIFICATES (s. 69). Books with space for :			
56 names, 8vo	39	3d.	½d.
504 names, 8vo	39A	6d.	2d.
560 names, 4to	39B	6d.	2d.
1,050 names, fcap. folio	39C	6d.	3d.
REPORT OF STEAM BOILER INSPECTION (s. 11) (per 12 copies)	55	6d.	1d.
OVERTIME RECORD (s. 60), and Notice of number of persons who may be employed in each room during overtime	12	1d.	½d.
See also Forms 338 and 740, p. 325.			
HUMIDITY TABLE (s. 92) for—			
Spinning by French or Dry Process	316		
Other Humid Textile Processes	315		
Supplied on application to H.M. Inspector.			
HUMIDITY RECORD (s. 92). For Entry of Readings of Thermometers :			
Humid Cotton Cloth Factories (s. 92) (per 25 copies)	317	6d.	2½d.
Other Humid Textile Factories (ss. 92 and 96) and Works under Flax, or Hemp and Jute Regula- tions (s. 79) (per 25 copies)	318	6d.	2½d.
LIST OF OUTWORKERS (s. 107) (in book of 16 pages) ...	44	2d.	1d.
FRUIT PRESERVING :			
List of persons employed under Special Exception (s. 41 (1) (b))	66	1d.	½d.
REGULATIONS AND SPECIAL RULES, in placard form :			
<i>Special Rules.</i>			
e Red and Orange Lead... ..	261		
Yellow Lead	263		
e Lead Smelting	264		
Enamelling Iron Plates	251		
Tinning and Enamelling Iron Hollow ware...	266		
Tinning and Enamelling Metal Hollow ware and Cooking Utensils	385		
a Earthenware and China	—		
a Transfers for Earthenware and China ...	254A		
a Bichromate	260		
a India Rubber	274		
Hides and Skins	486		
Supplied on application to H.M. Inspector.			
a White Lead	247	1d.	½d.
abf Lucifer Match	384	3d.	1d.
e Chemical	258	1d.	½d.
Brass	271	1d.	½d.
Bottling of Aërated Waters	273	1d.	½d.

	Official Number.	Price.	Post- age.
REGULATIONS AND SPECIAL RULES, in placard form— <i>cont.</i>			
<i>Regulations.</i>			
<i>bdg</i> Felt Hats	741	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>bg</i> File Cutting by hand... ..	913	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>abg</i> Electric Accumulators	386	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>bceg</i> Docks, etc.	938	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>bge</i> Self-acting Mules	941	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>bg</i> Woolsorting and Woolcombing	942	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>bg</i> Flax	943	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>beg</i> Locomotives	944	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>abge</i> Paints and Colours	945	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>bg</i> Hemp and Jute	946	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>abg</i> Heading of Yarn	947		
<i>bgh</i> Use of Horsehair	949	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>bg</i> Brass	950	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>bg</i> East Indian Wool	951	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>abg</i> Vitreous Enamelling of Metal or Glass ...	952	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>abg</i> Nitro- and Amido-Derivatives of Benzene :	953		
Supplied on application to H.M. Inspector.			
<i>bg</i> Electricity	954	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>a</i> A Health Register is required—see below.			
<i>b</i> Copies must be given to workmen.			
<i>c</i> A Register of Chains is required—see below.			
<i>d</i> Certain Notices are required—see below.			
<i>e</i> Welsh copies can be obtained on application to H.M. Inspector.			
<i>f</i> Supplied also (price 1 <i>d.</i> , by post $1\frac{1}{2}$ <i>d.</i>) in form of foolscap size.			
<i>g</i> Supplied also (price 1 <i>d.</i> , by post $1\frac{1}{2}$ <i>d.</i>) in pamphlet form as a Statutory Order.			
<i>h</i> A Register of Disinfection is required.			
HEALTH REGISTERS :			
Lucifer Match... ..	606		
Supplied on application to H.M. Inspector.			
Earthenware and China*, India Rubber, Transfers for Earthenware and China, White Lead, Electric Accumulators, Bichromate, Paints and Colours, Heading of Yarn, Nitro- and Amido- Derivatives of Benzene, etc.	605	3 <i>d.</i>	1 <i>d.</i>
*Earthenware and China Portable Register for Casual Workers... ..	610	3 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
OTHER FORMS REQUIRED UNDER REGULATIONS AND SPECIAL RULES :			
Felt Hats—Notice <i>f</i> in proofing room (per 6 copies):	765	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
to be affixed ... { in stove room (per 6 copies)...	766	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Docks, etc.—Register of Chains	75	1 <i>d.</i>	1 <i>d.</i>
Earthenware and China—Schedule B.	925		
Supplied on application to H.M. Inspector.			
Flax—see Form 70 (p. 325).			
Hemp and Jute—see Form 69 (p. 325).			
Horsehair—Anthrax Cautionary Placard... ..	410	2 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
,, Particulars of Disinfection	—	1 <i>d.</i>	$1\frac{1}{2}$ <i>d.</i>

Forms to be kept at Works, and also to be sent to Inspector.

(A counterfoil is attached to each Form for the latter purpose.)

SPECIAL EXCEPTION NOTICES. Notice of intention to
use Special Exception as to :

Overtime—

Ordinary (s. 49)	21	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Laundries (s. 2 (1) (b), 1907)	54	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Perishable Articles (s. 50)	24	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>

	Official Number.	Price.	Post- age.
SPECIAL EXCEPTION NOTICES. Notice of intention to use Special Exception as to— <i>continued.</i>			
<i>Overtime—continued.</i>			
Incomplete Process (s. 51)	22	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Turkey-red Dyeing, Open-air Bleaching (s. 53):	23	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Water Mills (s. 52)... ..	25	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
<i>Period of Employment—</i>			
9 a.m. to 9 p.m. (s. 36) in Bookbinding Works and Laundries	9	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Extended Periods for Women on three fixed days per week, in Laundries (s. 2 (1) (a), 1907) ...	53	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Different Periods on different days of the week, in Laundries (s. 2 (1) (c), 1907)	51	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
On Saturdays in Turkey-red Dyeing (s. 44) ...	14	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
In Jewish Works (s. 47)	17	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
In Fish-curing (s. 41)	63	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
In Fruit-preserving (s. 41) (see also Form 740 below)	64	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
In Creameries (s. 42)	65	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
For Male Young Persons over 14—			
In Glass Works (s. 55)	28	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
In certain other Works (s. 54)... ..	26	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
For Male Young Persons over 16—			
In Lace Factories (s. 37)	10	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
In Bakehouses (s. 38)	11	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
In Newspaper Printing (s. 56)... ..	27	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
In certain other Works (s. 54)... ..	26	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Substitution of another day for Saturday (s. 43)...	13	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Substitution of Friday or Saturday for Sunday in Jewish Works (s. 48)	18	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Separation of Sets for different Holidays (s. 45)...	16	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Separation of Sets for different Meal Hours (s. 40)	19	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Employment during Meal Hours (s. 40)	20	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Five-hour Spell in certain Textile Factories (s. 39):	15	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Exemption from Limewashing, etc. (s. 1)... ..	60	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
NOTICE OF EIGHT HOURS EMPLOYMENT of Women and Young Persons (s. 30)	30	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
NOTICE OF CHANGE OF HOURS OR MEAL-TIMES in Factories and Workshops (s. 32)	31	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
NOTICE OF ALTERATION OF SYSTEM OF EMPLOYING CHILDREN (s. 32)	33	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
NOTICE FIXING OR ALTERING HOLIDAYS (s. 35) ...	34	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
OVERTIME REPORT AND REGISTER (Books of 30 Reports, franked for post, with counterfoils as Register):			
Fruit Preserving under Special Exception (s. 41 (1) (b))	740		
Other Works	338		
Supplied on application to H.M. Inspector.			
THERMOMETERS, Notice to dispense with daily read- ings:			
Hemp and Jute Regulations	69	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Flax Regulations	70	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>

Other Forms to be sent by Occupier.

	Official Number.	Price.	Post- age.
NOTICE OF OCCUPATION of Factory or Workshop (s. 127)	35	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
NOTICE OF ACCIDENT (s. 4 Notice of) (per 25 copies)...	43	4 <i>d.</i>	2 <i>d.</i>
Accidents Act, 1906) (per 2 copies) ...	43a	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
(books of 150 copies)...		2 <i>s.</i>	5 <i>d.</i>
NOTICE OF POISONING (s. 73) Anthrax, } (per 25 copies)	40	6 <i>d.</i>	2 <i>d.</i>
Lead, Phosphorus, Mercury or } (per 2 copies)		1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Arsenic			
LIST OF OUTWORKERS (s. 107) see p. 323.			
WOMEN'S WORKSHOP NOTICE (s. 29)	29	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
RETURN OF PERSONS EMPLOYED (s. 130) :			
Textile Factories	48	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Non-Textile Factories	49	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Workshops	50	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
ANNUAL RETURN from certain Charitable and Refor- matory Institutions (s. 5, 1907)			
	52	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
HUMIDITY NOTICE (ss. 93, 96)	61	1 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>

Recent Official Reports, etc.

	Official Number.	Price.	Post- age.
ANNUAL REPORTS OF CHIEF INSPECTOR OF FACTORIES :			
Report for 1905	Cd.-3036	3 <i>s.</i> 9 <i>d.</i>	5 <i>d.</i>
Supplement to Report for 1905 : Return of Employment, 1904 (Workshops and Laundries)	Cd.-3323	2 <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Report for 1906 ; including Return of Em- ployment, 1904 (Textile Factories) ...	Cd.-3586	3 <i>s.</i> 2 <i>d.</i>	5 <i>d.</i>
Supplement to Report for 1906 : Return of Employment, 1904 (Non-Textile Fac- tories) and Summary of Reports of Medical Officers of Health, 1906... ..	Cd.-3986	2 $\frac{1}{2}$ <i>d.</i>	1 <i>d.</i>
Report for 1907	Cd.-4166	3 <i>s.</i> 11 <i>d.</i>	5 <i>d.</i>
OTHER REPORTS :			
Manufacture of Paints and Colours contain- ing Lead (1905)	Cd.-2466	11 $\frac{1}{2}$ <i>d.</i>	1 <i>d.</i>
Regulations : Spinning and Weaving of Flax (1906) (Commissioners)	Cd.-2851	2 $\frac{1}{2}$ <i>d.</i>	$\frac{1}{2}$ <i>d.</i>
Anthrax : Horsehair and Bristles (1906) ... Supplied on application to H.M. Inspector.			
Regulations : Locomotives (1906) (Commis- sioner)	Cd.-3167	3 $\frac{1}{2}$ <i>d.</i>	1 <i>d.</i>
Cotton Manufacture : Prevention of Acci- dents (1906)	Cd.-3168	3 <i>s.</i> 9 <i>d.</i>	2 $\frac{1}{2}$ <i>d.</i>
Illustrations of Methods of Dust Extraction (1906)	Cd.-3223	4 <i>s.</i> 10 <i>d.</i>	3 <i>d.</i>
Compensation : Industrial Diseases (1907) (Committee)	Cd.-3495	3 <i>d.</i>	1 <i>d.</i>
Ventilation (1907) (Committee) Second Report—			
Part I.	Cd.-3552	3 <i>d.</i>	1 <i>d.</i>
Part II.	Cd.-3553	4 <i>s.</i> 5 <i>d.</i>	3 <i>d.</i>
Tinning of Metals (1907)	Cd.-3793	1 <i>s.</i>	1 $\frac{1}{2}$ <i>d.</i>

	Official Number.	Price.	Post- age.
OTHER REPORTS—continued.			
Buildings (1907) (Committee)	Cd.-3848	1s. 9d.	4d.
Regulations : Brass (1908) (Commissioner)...	Cd.-4154	2½d.	1d.
Shipbuilding Accidents			
Supplied on application to H.M. Inspector.			
Home Work (1908) (Select Committee) ...	246	5½d.	1½d.
Checking of Piece Work Wages in Dock Labour (1908)	Cd.-4380	1½d.	½d.
Compensation : Industrial Diseases (1908) (Committee), Second Report—			
Part I.	Cd.-4386	1d.	½d.
Part II.	Cd.-4387	7½d.	2d.
Truck (1908) (Committee)—			
Part I.	Cd.-4442	1s. 3d.	3d.
Part II.	Cd.-4443	3s. 1d.	5d.
Part III.	Cd.-4444	3s. 1d.	5d.
Regulations : Electricity (1908) (Com- missioner)	Cd.-4462	3½d.	1d.

MEMORANDUM :

Duties of Local Authorities under the Factory Acts	—	2d.	½d.
Truck Acts	479	1d.	½d.
Use of Hygrometers	311		
Certificates of Fitness—England	323		
" " " —Scotland	330		
" " " —Ireland	331		
Lead Poisoning	406		
Buildings in course of Construction or Repair	718		
Dry Cleaning	824		
Water Gas	827		
Xylonite and Celluloid	828		
Anilin Black Dyeing	829		
Underground Electrical Sub-Stations ...	924		

Supplied on application to H.M. Inspector.

NOTICES IN PLACARD FORM :

Bronzing	916		
Tar Distilling	939		
Wall Paper	478		
Gassing	932		

Supplied on application to H.M. Inspector.

PARLIAMENTARY RETURNS :

Flax and Linen Factories (1905)	290	1d.	½d.
Home Work (1906)	211	2d.	½d.
Laundries in Religious and Charitable Institutions (1905)	Cd.-2741	2d.	½d.
Dangerous Trades : Action taken by the Home Office (1906)	Cd.-3037	1d.	½d.
Schemes for Regulation of Hours of Employ- ment, etc. in Charitable Institutions (1908)	341	1d.	½d.
<hr/>			
Regulations and Special Rules, in force on January 1st, 1908	—	6d.	2d.
Statutory Orders relating to Factories and Workshops, in force on January 1st, 1909	—	2s.	3d.
The above Orders, and those of later date, are also published separately ...	—	1d.	½d.

THE TRUCK ACTS.

INTRODUCTION.

IN order to understand these somewhat difficult Acts, it is necessary to have some knowledge of their history, and of the evils which they were designed to remedy. From very early times it has been a frequent practice of employers of labour to pay their men's wages partly or wholly in kind and not in cash, or, in other words, instead of giving money to give food, clothes or other articles of an equivalent value. This practice, if honestly and reasonably carried out, is not necessarily detrimental to the workman, for a large employer of labour can buy in the wholesale market, and if the articles bought are retailed at cost price the workman will get better bargains than he could possibly do at a retail shop. But, unfortunately, many employers yielded to the temptation of taking a retailer's profit, so that the workmen were no better off than if they had bought in the shops in the ordinary way. Nor did the evil stop there. Since the workman was bound to take articles supplied by his master at the price put upon them by the master, there was nothing to prevent an unscrupulous employer from supplying articles of inferior quality and putting an exorbitant price upon them; and this actually happened in very many instances. The commonest way of working this system was by means of the "tommy shop," which was a shop belonging to the employer where were kept food, clothes, crockery, ironmongery and other articles required by workmen, usually of the most inferior quality. The men's wages were paid wholly or partly in orders upon this shop; for instance, if a man's wage was 20s. per week, he would receive 5s. in cash and an order entitling him to 15s. worth of goods from the "tommy shop." Not only were these goods of bad quality, but very often the price put upon them was double their fair value, so that the practical result to the workman was that, instead of receiving 20s. in cash, he received 5s. in cash and 8s. worth of goods, and so was defrauded of some 35 per cent. of his wages.

This state of things did not escape the attention of Parliament, and from the fifteenth century to the end of the eighteenth, a succession of Acts sought to impose restrictions upon the truck system in many different trades. But in the year 1831 these were all repealed, and a general Act, which is the foundation of the modern law upon the

subject, was passed, protecting workmen in all those trades in which experience had shown the truck system to be most prevalent.

THE TRUCK ACT, 1831.

The general effect of this Act may be summed up in a single sentence: Workmen's wages must be paid in cash and not in kind. To effect this object the Act provides that the wages must be paid in coin (s. 3); that the contract of hiring must not stipulate for them to be paid in kind (s. 1), nor contain any restrictions as to how and where the wages shall be spent (s. 2); and that if the employer does supply goods to his workmen on credit he shall not be able to recover the price (ss. 5, 6).

Some transactions which have the appearance of payments in kind are legal, because they really only amount to a means of ascertaining the rate of wages, as, for instance, where a workman makes gloves for his master at a fixed price per dozen pairs, less a fixed deduction for the use of the machinery upon which the gloves are made (*Chawner v. Cummings*, *post*, p. 343).

The master may make no deduction from the wages except those expressly authorised by this and the subsequent Acts, not even for a judgment debt due from the workman to him (see *Williams v. North's Navigation Collieries*, *post*, p. 334), and if he does the workman can sue him for the balance. It is not clear, however, whether the mere non-payment of the whole or part of the wages is a criminal offence under s. 9 or not. In the last edition of this work the opinion was put forward (on the authority of *Redgrave v. Kelly*, *Willis v. Thorp*, and the judgment of the Court of Appeal in *Williams v. North's Navigation Collieries*) that it was not, but this may have to be modified in view of the judgment of the House of Lords in the last-mentioned case. See the preliminary note to s. 3, *post*, p. 334.

Payment of part of the wages to a person authorised by the workman to receive them is equivalent to a payment to the workman himself. Therefore, a contract of hiring which contains a stipulation that the workman shall belong to a benefit club is legal under the Act, and the master is justified in deducting the subscription from the wages and paying it to the treasurer of the club (*Hewlett v. Allen*, *post*, p. 342).

By s. 23 employers are authorised to supply their workmen with a number of articles, such as medical attendance, fuel, tools, lodging, etc., and to deduct the price or rent from the wages, provided that such articles are supplied at cost

price and in accordance with a written contract signed by the workman.

Although the Act of 1831 was primarily directed at the "tommy shop," yet it must be understood that there is nothing to prevent the master from opening a shop and selling goods of any kind to his men. Such shops are often useful and sometimes almost indispensable, as, for instance, when extensive engineering works are being carried out in a very sparsely inhabited district. But the goods must be supplied strictly for cash and not for credit (ss. 5, 6), and no attempt must be made to compel the workman to buy at that particular shop (s. 6 of the Act of 1887).

THE TRUCK ACT, 1887.

This Act introduced a number of amendments into the Act of 1831, most of which are of subsidiary importance, and are therefore not alluded to here.

The most important section is s. 2, which extends the provisions of the Truck Acts to all persons coming under the description of "workmen," as defined by s. 10 of the Employers and Workmen Act, 1875, that is, to all persons, except domestic servants, who are engaged in manual labour. The principal difficulty under this definition arises in cases where the manual labour is only part of the servant's duty, and the test is whether the manual labour is his real and substantial employment or merely incidental to his real employment. Thus, an omnibus conductor is not a "workman," although he may occasionally have to help in putting the horses to, but a person employed in cleaning omnibuses would be.

The Act also provides for a proper audit of certain deductions allowed by the Act of 1831 (s. 9), and extends the protection of the Acts to those workmen who, though not employed at regular wages, make articles at home and sell them to persons who are virtually their employers. It also legalises certain contracts commonly made with farm servants for supplying them with food and other things in addition to their money wages. And it provides for the punishment of the actual offender in cases where an offence against the Acts has been committed by an agent or manager of the employer without the latter's approval or knowledge.

THE TRUCK ACT, 1896.

As has been pointed out above, deductions from wages, either by way of fines for misconduct and bad workmanship,

or for materials, etc., supplied to the workman, are not illegal ; but it was found that in many cases very oppressive deductions were made, greatly exceeding the amount of the damage or expense caused to the employer. The Act of 1896 was passed to remedy this state of things.

It provides that no deductions or payments shall be made for fines, unless the workman has either previously signed a written contract agreeing to submit to such deductions, or a notice containing the terms of the contract is kept constantly fixed in a place where it can easily be seen, read and copied by every person whom it affects. The notice or contract must contain full particulars of all fines which are intended to be imposed, and the amount of every fine must be fair and reasonable. Further, before a deduction can be made, full written particulars of the deduction itself and the reasons why it is imposed must be supplied to the workman. It should be observed that the Act is aimed not merely at excessive deductions themselves, but also at contracts which stipulate for such deductions, so that if an employer enters into a contract or exhibits a notice which seeks to impose any excessive deductions, he has committed an offence, even though no deductions have in fact been made. The contracts or notices must be produced to the factory inspectors if required.

Deductions or payments in respect of damaged goods or materials supplied are subjected to restrictions which are the same as those applying to fines, with two exceptions : First, such deductions must not only be fair and reasonable, but must also in no case exceed the amount of actual or estimated loss caused to the employer ; and, secondly, the contract or notice need not contain full particulars of all deductions which are to be made, because it would be impossible to do so. No employer could foresee every kind of damage which his workmen might do, or every kind of material which he might wish to supply to them. But of course the contract or notice must state clearly, though in general terms, that such deductions will be made.

THE HOSIERY MANUFACTURE (WAGES) ACT, 1874.

This is a short Act passed to protect workmen in the hosiery trade. It absolutely prohibits deductions for the rent of the frames used by the workmen, and certain other charges, and renders illegal any contract for such deductions.

THE SHOP CLUBS ACT, 1902.

With the Truck Acts may conveniently be grouped the Shop Clubs Act, 1902, whose title is rather misleading, inasmuch as it applies to factories, workshops, docks and warehouses as well as to shops. Its main provisions may be summarised as follows: Employers may not forbid their workmen to join, or continue members of, a friendly society (s. 1); they may not compel them to become members of a "shop club or thrift fund" unless the club or fund is registered and certified by the Registrar of Friendly Societies (s. 2); and no club or fund shall be certified unless three-quarters of the workmen desire it and certain regulations designed for the protection of the workmen are complied with (s. 2 and Schedule).

The Act is a peculiar one, and a number of difficulties may arise as to its interpretation. By s. 7 the application of the great bulk of its provisions is limited to workshops, factories, docks, shops and warehouses, while by s. 5 a certain exemption is given to railways, which can hardly come under any of these descriptions. And s. 1 (a) would seem to apply to all employers and workmen. Furthermore, no definition is given of such important expressions as "employer," "workman," "factory" and "workshop," and as neither the Factory Acts nor the Truck Acts are incorporated the interpretation sections of those Acts cannot, strictly speaking, be applied. The first two are defined in one way in the Truck Acts and in another in the Workmen's Compensation Act, and until the question is judicially determined it is impossible to say what their meaning is in the Act now under discussion.

The foregoing remarks are only intended to give an outline of the law relating to truck. The Acts contain a number of other provisions which are omitted here for the sake of brevity and in order to avoid confusion, but are dealt with as far as possible in the notes.

 THE TRUCK ACTS.

THE TRUCK ACT, 1831.

(1 & 2 WILL. 4, c. 37.)

1. *In contracts for the hiring of artificers, wages must be made payable in the current coin of the realm.*—In all contracts (a) hereafter to be made for the hiring of any artificer (a) [*in any of the trades hereinafter enumerated*] (b)

or for the performance by any artificer of any labour [*in any of the said trades*] (b), the wages (a) of such artificer shall be made payable in the current coin of this realm only, and not otherwise (c) ; and if in any such contract the whole or any part of such wages shall be made payable in any manner other than in the current coin aforesaid, such contract shall be and is hereby declared illegal, null, and void.

(a) **Definitions.**—For definitions of “contract” and “wages,” see s. 25, *post*, p. 344, and of “artificer,” s. 2 of the Act of 1887, *post*, p. 350.

(b) The words italicised and enclosed within square brackets wherever they occur in this and subsequent sections refer to the repealed s. 19, and are repealed by the Statute Law Revision Act, 1891 (54 & 55 Vict. c. 67).

(c) **Shares in Company.**—In *Glasgow v. Independent Printing Co.*, [1901] 2 I. R. 278, an agreement whereby a workman agreed that his wages, which were 22s. a week, were to be paid 20s. in cash and 2s. in shares of the company, who were his employers, was held to be void.

2. *Must not contain any stipulations as to the manner in which the wages shall be expended.*]—If in any contract (a) hereafter to be made between any artificer (a) [*in any of the trades hereinafter enumerated*] and his employer (a), any provision shall be made directly or indirectly respecting the place where, or the manner in which, or the person or persons with whom, the whole or any part of the wages (a) due or to become due to any such artificer shall be laid out or expended, such contract shall be and is hereby declared illegal, null, and void.

This section is extended by s. 6 of the Act of 1887, *post*, p. 351, to contracts as to spending wages at a particular shop.

It does not render illegal an agreement that the workman shall become a member of a sick and accident club, and that his subscription shall be stopped out of his wages (*Hewlett v. Allen*, [1894] A. C. 383 ; 58 J. P. 700 ; 68 L. J. Q. B. 608 ; 71 L. T. 94 ; 42 W. R. 670). Such agreements are, however, now subject to the provisions of the Shop Clubs Act, 1902, *post*.

(a) **Definitions.**—For definitions of “contract,” “employer,” and “wages,” see s. 25, *post*, p. 344, and of “artificer,” s. 2 of the Act of 1887, *post*, p. 350.

3. *All wages must be paid to the workman in coin.*]—The entire amount of the wages earned by or payable to

any artificer [*in any of the trades hereinafter enumerated*] in respect of any labour by him done [*in any such trade*] shall be actually paid to such artificer in the current coin of this realm, and not otherwise (a) ; and every payment made to any such artificer by his employer, of or in respect of any such wages, by the delivering to him of goods, or otherwise than in the current coin aforesaid, except as hereinafter mentioned, shall be and is hereby declared illegal, null, and void.

By s. 10 of the Act of 1887 (*post*, p. 352), a special provision is made as to articles made in the workman's own home.

Bank notes, if the artificer consents, are as effectual in payment as current coin (s. 8).

Wages must not be paid in a publichouse, unless the master is a licensed victualler. See the Payment of Wages in Publichouses Prohibition Act, 1883 (46 & 47 Vict. c. 31), s. 3.

It was held by MATHEW and GRANTHAM, JJ., in *Redgrave v. Kelly* (1889), 54 J. P. 70 ; 37 W. R. 543, that this section merely prohibits the payment of wages in kind, *i.e.*, otherwise than in cash, and that therefore deductions which do not amount to a payment in kind, *e.g.*, fines, are not within its provisions. See also the judgment of BRAMWELL, B., in *Archer v. James* (1859), 2 B. & S. 61, and the judgments of the Court of Queen's Bench in *Willis v. Thorp* (1875), L. R. 10 Q. B. 383 ; 44 L. J. Q. B. 137 ; 33 L. T. 11 ; 23 W. R. 730 (decided under the Hosiery Manufacture (Wages) Act, 1874, *post*). But in *Williams v. North's Navigation Collieries, Limited*, [1906] A. C. 136 ; 70 J. P. 217 ; 75 L. J. K. B. 334 ; 94 L. T. 447 ; 54 W. R. 485, a workman who had broken his contract by absenting himself from work was ordered by the magistrates (under the Employers and Workmen Act, 1875) to pay to his masters 30s. by way of damages, payable by instalments. The first instalment was deducted from his wages. He then brought an action in the King's Bench Division for a declaration that the amount of the instalment was improperly deducted. The House of Lords (reversing the Court of Appeal) held that the Truck Act, 1831, does not allow any deductions except those expressly sanctioned, and that the master cannot deduct even a judgment debt due from the workman to him. The above is the actual decision in the case, but one or two of the lords used language which is perhaps open to the interpretation that they thought that the mere failure to pay wages was a criminal offence under the Act. *Redgrave v. Kelly* and *Willis v. Thorp* were cited in argument, but not mentioned in the judgments, and it is not clear whether they are to be considered as overruled or not.

Stringent regulations with regard to fines are imposed by s. 1 of the Act of 1896, *post*, p. 357. Certain deductions which do amount to payments in kind are expressly legalised by ss. 23 and 24, *post*, pp. 341, 343.

But there must be a real payment in cash, and not merely

a colourable one. Thus, in *Gould v. Haynes* (1889), 54 J. P. 405 ; 59 L. J. M. C. 9 ; 61 L. T. 732, a journeyman brickmaker was supplied with beer, etc., on credit at a publichouse belonging to his employer. The amount was 3s. 10d. The employer handed the workman 4s., who handed it back immediately, and received 2d. change. At the end of the week 4s. was stopped out of his wages :—*Held*, that the transaction was colourable, and was an attempt to evade the Acts, and that the employer ought to have been convicted.

(a) **Payments in Kind.**—Payment of wages by a written order upon a “tommy shop” is equivalent to a payment in kind, and is punishable under the Acts (*Athersmith v. Drury* (1858), 1 El. & El. 46 ; 28 L. J. M. C. 5 ; 7 W. R. 14 ; 5 Jur. (N.S.) 433).

In *Smith v. Walton* (1877), 3 C. P. D. 109 ; 42 J. P. 280 ; 47 L. J. M. C. 45 ; 37 L. T. 437, a weaver spoiled a piece of cloth by bad workmanship. His master gave him the cloth in part payment of his wages, assessing it at the value it would have had if perfect :—*Held*, that this was a payment in kind, and illegal.

In *Owner v. Hooper* (1903), 67 J. P. 406 ; 89 L. T. 130, a master paid his workmen in full, but at the time of payment handed each man a slip of paper, on which was written a sum of money equal to 2d. in the pound of the wages. The man went straight to the cashier, and paid him the sum mentioned on the slip. The money was for insurance premiums against the Workmen’s Compensation Act :—*Held*, that this was no offence against this section, whatever might be the case under s. 3 of the Act of 1896.

A payment of wages in kind is illegal, even if it was not made in pursuance of a contract, and even if the workman had the option of receiving cash or goods (*Wilson v. Cookson* (1863), 13 C. B. (N.S.) 496 ; 32 L. J. M. C. 177 ; 8 L. T. 53 ; 11 W. R. 426 ; 9 Jur. (N.S.) 177).

When wages have been illegally paid in kind, the offence is not purged by a subsequent payment in money of the amount previously paid in kind, whether such subsequent payment is made voluntarily or under an order of justices (*Fisher v. Jones* (1863), 13 C. B. (N.S.) 501 ; 32 L. J. M. C. 177).

4. Artificers may recover wages, if not paid in the current coin.—Every artificer [*in any of the trades herein-after enumerated*] shall be entitled to recover from his employer [*in any such trade*], in the manner by law provided for the recovery of servants wages, or by any other lawful ways and means, the whole or so much of the wages earned by such artificer [*in such trade*] as shall not have been actually paid to him by such his employer in the current coin of this realm.

The workman cannot recover from his employer the amount of deductions lawfully made from his wages. See s. 23, *post*, p. 341, and note (d) thereto.

5. *In an action brought for wages no set-off shall be allowed for goods supplied by the employer, or by any shop in which the employer is interested.*—In any action, suit, or other proceeding to be hereafter brought or commenced by any artificer, against his employer, for the recovery of any sum of money due to any such artificer as the wages of his labour [*in any of the trades hereinafter enumerated*], the defendant shall not be allowed to make any set-off, nor to claim any reduction of the plaintiff's demand, by reason or in respect of any goods, wares, or merchandise had or received by the plaintiff as or on account of his wages or in reward for his labour, or by reason or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

This prohibition is considerably extended by ss. 5 and 6 of the Act of 1887, *post*, p. 351. It should be noted that this and the following section do not forbid the workman to deal at his employer's shop. They merely provide that if he does so his purchases must be strictly cash transactions.

6. *No employer shall have any action against his artificer for goods supplied to him on account of wages.*—No employer of any artificer [*in any of the trades hereinafter enumerated*] shall have or be entitled to maintain any suit or action in any court of law or equity against any such artificer, for or in respect of any goods, wares, or merchandise, sold, delivered, or supplied to any such artificer by any such employer, whilst in his employment, as or on account of his wages or reward for his labour, or for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

This prohibition is considerably extended by ss. 5 and 6 of the Act of 1887, *post*, p. 351.

7. *If the artificer or his wife or children become chargeable to the parish, the overseers may recover any wages earned within the three preceding months, and not paid in cash.*—If any artificer, or his wife or widow, or if any

child of any such artificer, not being of the full age of twenty-one years, shall become chargeable to any parish or place, and if within the space of three calendar months next before the time when any such charge shall be incurred such artificer shall have earned or have become entitled to receive any wages for any labour by him done [*in any of the said trades*], which wages shall not have been paid to such artificer in the current coin of this realm, it shall be lawful for the overseers or overseer of the poor (a) in such parish or place to recover from the employer of such artificer in whose service such labour was done the full amount of wages so unpaid, and to proceed for the recovery thereof by all such ways and means as such artificer himself might have proceeded for that purpose ; and the amount of the wages which may be so recovered shall be applied in reimbursing such parish or place all costs and charges incurred in respect of the person or persons to become chargeable, and the surplus shall be applied and paid over to such person or persons.

(a) Now the guardians. See s. 16 of the Act of 1887, *post*, p. 355.

8. *Not to invalidate the payment of wages in bank notes, if artificer consents.*—Provided always, that nothing herein contained shall be construed to prevent or to render invalid any contract for the payment, or any actual payment, to any artificer, of the whole or any part of his wages, either in the notes of the Governor and Company of the Bank of England, or in the notes of any person or persons carrying on the business of a banker, and duly licensed to issue such notes in pursuance of the laws relating to his Majesty's revenue of stamps, or in drafts or orders for the payment of money to the bearer on demand, drawn upon any person or persons carrying on the business of a banker, being duly licensed as aforesaid, within fifteen miles of the place where such drafts or orders shall be so paid, if such artificer shall be freely consenting to receive such drafts or orders as aforesaid, but all payments so made with such consent as aforesaid, in any such notes, drafts, or orders as aforesaid, shall for the purposes of this Act be as valid and effectual as if such payments had been made in the current coin of the realm.

9. Penalties on employers entering into contracts hereby declared illegal.—Any employer of any artificer [*in any of the trades hereinafter enumerated*], who shall, by himself or by the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared illegal (*a*) shall for the first offence forfeit a sum not exceeding ten pounds [*nor less than five pounds*] (*b*), and for the second offence any sum not exceeding twenty pounds nor less than ten pounds, and in case of a third offence any such employer shall be and be deemed guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine only, at the discretion of the court, so that the fines shall not in any case exceed the sum of one hundred pounds.

If the offence has in fact been committed by an agent of the employer, the latter can escape the penalty by bringing the actual offender to justice. See s. 12 of the Act of 1887, *post*, p. 353. The offence is not purged by a subsequent payment in cash of the amount previously paid in kind (*Fisher v. Jones* (1863), 13 C. B. (N.S.) 501 ; 32 L. J. M. C. 177).

(*a*) **Payment declared Illegal.**—The obvious instance of such a payment is a payment in kind. But under the judgments of the House of Lords in *Williams v. North's Navigation Collieries, Limited*, [1906] A. C. 136 ; 70 J. P. 217 ; 75 L. J. K. B. 334 ; 94 L. T. 447 ; 54 W. R. 485, it is doubtful whether a “payment in account,” *e.g.*, the deduction of a debt due from the workman to the employer, or even mere non-payment of the whole or part of the wages, is not an offence under this section. The only point actually decided was that the employer is not entitled to make the deduction. See the preliminary note to s. 3, *ante*, p. 334.

(*b*) Words in italics repealed by the Summary Jurisdiction Act, 1884 (47 & 48 Vict. c. 43).

10. Proviso as to interval of time between first and second offence, etc.—Provided always, that no person shall be punished as for a second offence under this Act unless ten days at the least shall have intervened between the conviction of such person for the first and the conviction by such person of the second offence, but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a first offence ; and that no person shall be punished as for a third offence under this Act, unless ten days at the least shall have intervened between the conviction of such person for the second and

the conviction by such person of the third offence, but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a second offence ; and that the fourth or any subsequent offence which may be committed by any such person against this Act shall be inquired of, tried, and punished, in the manner hereinbefore provided in respect of any third offence ; and that if the person or persons preferring any such information shall not be able or shall not see fit to produce evidence of any such previous conviction or convictions as aforesaid, any such offender as aforesaid shall be punished for each separate offence by him committed against the provisions of this Act by an equal number of distinct and separate penalties, as though each of such offences were a first or a second offence, as the case may be ; and that no person shall be proceeded against or punished as for a second or as for a third offence at the distance of more than two years from the commission of the next preceding offence (a).

11. [*The power of justices to compel the attendance of witnesses, and*

12. *To levy penalties by distress*] (a).

(a) Part of s. 10, and ss. 11, 12, 15, 16, and 18 are repealed by the Act of 1887, the enforcement of the provisions of the Act being under the Summary Jurisdiction Acts. See s. 13 of the Act of 1887, *post*, p. 354.

13. *A partner not to be liable in person for the offence of his copartner, but the partnership property to be liable.*]—No person shall be liable to be convicted of any offence against this Act committed by his or her copartner in trade, and without his or her knowledge, privity, or consent ; but it shall be lawful, when any penalty, or any sum for wages, or any other sum, is ordered to be paid under the authority of this Act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to levy the same by distress and sale of any goods belonging to any copartnership concern or business in the carrying on of which such charges may have become due or such offence may have been committed ; and in all proceedings under this Act to recover any sum due for wages it shall

be lawful in all cases of copartnership for the justices, at the hearing of any complaint for the non-payment thereof, to make an order upon any one or more copartners for the payment of the sum appearing to be due ; and in such case the service of a copy of any summons or other process, or of any order, upon one or more of such copartners shall be deemed to be a sufficient service upon all.

14. *How summonses are to be served.*—In all cases it shall be deemed and taken to be sufficient service of any summons to be issued against any offender or offenders by any justice or justices of the peace under the authority of this Act, if a duplicate or true copy of the same be left at or upon the place used or occupied by such offender or offenders for carrying on his, her, or their trade or business, or at the place of residence of any such offender or offenders, being at or upon any such place as aforesaid, the same being directed to such offender or offenders by his, her, or their right or assumed name or names.

15, 16. [*Relating to forms of conviction, etc.*]

Repealed by the Act of 1887. See note (a) under s. 12, *supra*.

17. *Convictions not to be quashed for want of form.*—No conviction, order, or adjudication made by any justices of the peace under the provisions of this Act shall be quashed for want of form, nor be removed by certiorari or otherwise into any of his Majesty's superior courts of record ; [*and no warrant of distress, or of commitments in default of sufficient distress, shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same*] (a).

(a) Repealed except as to Ireland by the Statute Law Revision Act, 1891 (54 & 55 Vict. c. 67).

18. [*As to power of justices to award penalties.*]

Repealed by the Act of 1887. See note (a) under s. 12, *supra*.

19. [*Specification of trades to which the Act is to apply.*]

Repealed by the Act of 1887, which, by s. 2, extends this Act to all trades.

20. *Domestics.*]—Nothing herein contained shall extend to any domestic servant. . . .

As to servants in husbandry, see s. 4 of the Act of 1887, *post*, p. 350.

21, 22. [*As to penalties, jurisdiction of justices, etc.*]

Repealed by the Act of 1887.

23. *Particular exceptions to the generality of the law.*]—Nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer, or agent of any such employer, from supplying or contracting to supply to any such artificer any medicine or medical attendance, or any fuel, or any materials (*a*), tools (*b*), or implements to be by such artificer employed in his trade or occupation, if such artificers be employed in mining, or any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade and occupation ; nor from demising to any artificer [*workman, or labourer employed in any of the trades or occupations enumerated in this Act*] the whole or any part of any tenement at any rent to be thereon reserved ; nor from supplying or contracting to supply to any such artificer any victuals dressed or prepared under the roof of any such employer, and there consumed by such artificer ; nor from making or contracting to make any stoppage or deduction from the wages of any such artificer for or in respect of any such rent, or for or in respect of any such medicine or medical attendance, or for or in respect of such fuel, materials, tools, implements, hay, corn, or provender, or of any such victuals, dressed and prepared under the roof of any such employer, or for or in respect of any money advanced to such artificer for any such purpose as aforesaid : Provided always, that such stoppage or deduction shall not exceed the real and true value of such fuel, materials, tools, implements, hay, corn, and provender, and shall not be in any case made from the wages of such artificer, unless the agreement or contract for such stoppage or deduction shall be in writing (*c*), and signed by such artificer (*d*).

The deductions authorised by this section and s. 24 are the only ones which can lawfully be made (*Williams v. North's Navigation Collieries, Limited*, [1906] A. C. 136 ; 70 J. P. 217 ; 75 L. J. K. B. 334 ; 94 L. T. 447 ; 54 W. R. 485). As to fines, see s. 1 of the Act of 1896, *post*, p. 357.

The amount to be deducted under each head need not be specified in the written contract (*Cutts v. Ward*, *infra*).

Accounts of deductions for education, medical attendance, and tools are to be rendered and audited. See the Act of 1887, s. 9, *post*, p. 352.

Agreements by workmen to join benefit clubs, etc. are now subject to the provisions of the Shop Clubs Act, 1902, *post*, p. 362.

(a) **Materials.**—These must be sold out and out to the worker, and not merely hired to him (*Cutts v. Ward* (1867), L. R. 2 Q. B. 357 ; 36 L. J. Q. B. 161 ; 15 L. T. 614 ; 15 W. R. 445).

(b) **Tools.**—Deductions for sharpening tools, etc., are not to be made without the consent in writing of the workman. See the Act of 1887, s. 8, *post*, p. 352.

(c) **Written Contract.**—In *Hynd v. Spowart* (1884), 22 Sc. L. R. 702, deductions were made from a workman's wages for rent, sick fund, etc. The amount of such deductions were entered on the pay tickets given to the workman, and such tickets had to be signed by the workman before he received his pay :—*Held*, that these tickets were not a written contract within the meaning of the Act.

(d) **Other Exceptions.**—A payment of part of the wages to a creditor of the workman may be a good payment to the workman himself. Thus, in *Hewlett v. Allen*, [1894] A. C. 383 ; 58 J. P. 700 ; 63 L. J. Q. B. 608 ; 71 L. T. 94 ; 42 W. R. 670, a workwoman signed an agreement to conform to all the rules of her employers. One of the rules was that she should become a member of the sick and benefit club. Her subscription of 2½*d.* a week was deducted from her wages and paid to the club treasurer :—*Held*, that no offence against the Truck Acts had been committed, and that she was not entitled to recover the amounts of the payments from the employers. And Lord HERSCHELL, L.C., said in his judgment : “ I can myself entertain no doubt that a payment made by an employer at the instance of a person employed to discharge some obligation of the person employed, or to place the money in the hands of some person in whose hands the person employed desires it to be placed, is in the sense and meaning of those sections [ss. 3 and 4] a payment to the person employed as much as if the current coin of the realm had been placed in his or her hands.”

But when a deduction is made from men's wages for a “ doctor's fund,” and the amount is merely credited to that fund in the master's books, and not actually paid to the doctor or to the treasurer of the fund, there has been no valid payment to the workman (*Ex parte Cooper* (1884), 26 Ch. D. 693 ; 51 L. T. 374). Also, in *MLucas v. Campbell* (1892), 30 Sc. L. R. 226, a master made deductions from a workman's wages (1) for coals supplied ; (2) for rent, which was paid by the master to the landlord after deducting 5 per cent. commission. Neither deduction had been authorised in writing by the workman :—*Held*, that

the workman could recover the amount of the deduction for coal, but not that for rent. It was held in *Redgrave v. Kelly* (1889), 54 J. P. 70 ; 37 W. R. 543, that deductions, such as fines, which do not amount to anything in the nature of a payment in kind, are not within the scope of this Act at all, though they are regulated by ss. 1—3 of the Act of 1896, *post*, p. 357. See also *Beetham v. Crewdson* (1890), 55 J. P. 55 ; 6 T. L. R. 379, where by the rules of a factory the overlooker was to forfeit £1 if he engaged a child before such child's name was registered in a book kept for that purpose :—*Held*, that the deduction was permissible. But having regard to the judgment of the House of Lords in *Williams v. North's Navigation Collieries, Limited*, it is doubtful if these last two decisions are now law.

A third class of legal deductions are those which are really only a method of ascertaining the rate of wages. Thus, in *Chawner v. Cummings* (1846), 8 Q. B. 311 ; 15 L. J. Q. B. 161 ; 10 Jur. 454, a glove weaver worked for his master at an agreed price per dozen pairs. This price was paid weekly after deducting (1) a fixed rent for the frame on which the work was done ; (2) a fixed rent for use of premises to work in, sorting of completed goods, etc. ; (3) a fixed sum for the services of a boy to wind, and for wear and tear of machinery ; (4) 1*d.* in the 1*s.* compensation to the master for certain payments, rent, etc., which he had to make to his superior. All these payments were according to the custom of the trade :—*Held*, that these deductions were only a method of calculating the rate of wages, and that they were legal, even in the absence of a written contract.

In *Archer v. James* (1859), 2 B. & S. 61 ; 31 L. J. Q. B. 153 ; 6 L. T. 167 ; 10 W. R. 489 ; 8 Jur. (N.S.) 166, the facts were practically the same as in *Chawner v. Cummings*, which was followed by the Court of Queen's Bench. But in the Exchequer Chamber the court were equally divided. In *Hughes v. Donella* (1894), 10 T. L. R. 197, some turners were employed by a cabinet-maker. They were paid by the piece, and 4*s.* a week was deducted for steam power supplied to their lathes :—*Held*, that this was only a means for calculating the rate of wages, and that the deduction was permissible.

In *Poplar Union v. Martin* (1904), 68 J. P. 526 ; 91 L. T. 550, a case under the Vagrancy Act, 1824, PHILLIMORE, J., expressed the opinion that an arrangement between a board of guardians and the Salvation Army, whereby able-bodied paupers were to be set to work at a labour colony and to receive food and lodging free and 6*d.* a week pocket money, was not a violation of the Truck Acts. The actual decision of the court, however, was based upon another point.

24. *Employers may advance money to artificers for certain purposes.*]—Nothing herein contained shall extend or be construed to extend to prevent any such employer from advancing to any such artificer any money to be

by him contributed to any friendly society or bank for savings duly established according to law, nor from advancing to any such artificer any money for his relief in sickness, or for the education of any child or children of such artificer, nor from deducting or contracting to deduct any sum or sums of money from the wages of such artificers for the education of any such child or children of such artificer . . .

The deductions authorised by this section and s. 23 are the only ones which can lawfully be made (*Williams v. North's Navigation Collieries, Limited, ante*, p. 334).

Further provisions with regard to deductions for education are made by s. 7 of the Act of 1887, *post*, p. 351.

These deductions can only be made with the written consent of the workman (*Pillar v. Llynvi Coal Co.* (1869), L. R. 4 C. P. 752 ; 38 L. J. C. P. 294 ; 20 L. T. 923 ; 17 W. R. 1123).

For the duties and rights of employers and workmen with regard to friendly societies, benefit clubs, etc., see the Shop Clubs Act, 1902, *post*, p. 362.

25. Definition of terms.]—In the meaning and for the purposes of this Act . . . all masters, bailiffs, foremen, managers, clerks, and other persons, engaged in the hiring, employment, or superintendence of the labour of any such artificers, shall be and be deemed to be “employers”; and within the meaning and for the purposes of this Act any money or other thing had or contracted to be paid, delivered, or given as a recompense, reward, or remuneration for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or an amount uncertain, shall be deemed and taken to be the “wages” of such labour ; and within the meaning and for the purposes aforesaid any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral, whether direct or indirect, to which the employer and artificer are parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them, shall be and be deemed a “contract” (*a*).

(*a*) **Contract.**—Where a workman is engaged under a written contract which does not infringe the Truck Acts, and supplemental terms which do infringe them are introduced by a contemporaneous verbal arrangement, the court is not bound by the written contract, and may receive evidence of the verbal arrangement (*Jones v. Wasley* (1902), 18 T. L. R. 418).

26. [*Commencement of Act.*]

Repealed by Statute Law Revision (No. 2) Act, 1888 (51 & 52 Vict. c. 57).

27. [*To extend over Great Britain and Ireland.*]

The Act originally applied to Great Britain only, but is extended to Ireland by s. 18 of the Act of 1887.

THE HOSIERY MANUFACTURE (WAGES) ACT,
1874.

(37 & 38 VICT. c. 48.)

1. *Wages to be paid without any stoppages whatever.*—In all contracts for wages the full and entire amount of all wages (*a*) the earnings of labour in the hosiery manufacture shall be actually and positively made payable in net, in the current coin of the realm, and not otherwise, without any deduction or stoppage of any description whatever (*b*), save and except for bad and disputed workmanship.

(*a*) **Wages.**—For definition, see s. 7, *post*, p. 347.

(*b*) **Fines.**—It was held in *Willis v. Thorpe* (1875), L. R. 10 Q. B. 383, that notwithstanding this general prohibition, deductions for reasonable fines are not unlawful under this section; but having regard to *Williams v. North's Navigation Collieries, Limited*, it is doubtful whether this decision is now law. See the preliminary note to s. 3 of the Act of 1831, *ante*, p. 334.

2. *Contracts to stop wages and for frame rents illegal.*—All contracts to stop wages, and all contracts for frame rents and charges, between employer and artificers, shall be and are hereby declared to be illegal, null, and void.

This does not apply to contracts for the deduction of reasonable fines from the wages (*Willis v. Thorpe, ante*). But see note (*b*) to the last section.

For definitions of “employer” and “artificer,” see s. 7, *post*, p. 346.

3. *Penalty for bargaining to deduct and for deducting from wages.*—If any employer shall bargain to deduct, or shall deduct, directly or indirectly, from the wages of any artificer in his employ any part of such wages for frame rent and standing or other charges, or shall refuse

or neglect to pay the same or any part thereof in the current coin of the realm, he shall forfeit a sum of five pounds for every offence, to be recovered by the said artificer or any other person suing for the same in the county court in the district where the offence is committed, with full costs of suit.

4. *Penalty for using frame otherwise than for the purpose for which same lent.*—If any frame or machine which shall have been entrusted to any artificer or other person by his employer for the purpose of being used in the hosiery manufacture for such employer, or in any process incident to such manufacture, shall, whilst the same shall be so entrusted, be worked, used, or employed without the consent in writing of such employer or other person so entrusting such frame or machine, in the manufacture of any goods or articles whatever for any other person than the person by whom such frame or machine shall have been so entrusted, then and in every such case the artificer or other person to whom the same shall have been so entrusted shall forfeit and pay the sum of ten shillings for every day on any part of which any such frame or machine shall have been so worked, used, or employed, to be recoverable by and for the benefit of the person who shall have so entrusted the same, in the county court for the district where the offence shall have been committed, with full costs of suit.

5. *No action to be allowed in respect of any such bargaining.*—No action, suit, or set-off between employer and artificer shall be allowed for any deduction or stoppage of wages, nor for any contract hereby declared illegal.

6. *Not to prevent the recovery by employer of any debt due to him from artificer.*—Nothing in this Act contained shall extend to prevent the recovery in the ordinary course of law, by suit brought or commenced for the purpose, of any debt due from the artificer to the employer.

7. *Definition of terms.*—Within the meaning and for the purposes of this Act, all workmen, labourers, and other persons in any manner engaged in the performance of any employment or operation, of what nature soever, in or about the hosiery manufacture, shall be and be

deemed “artificers” ; and, within the meaning and for the purposes aforesaid, all masters, foremen, managers, clerks, contractors, sub-contractors, middlemen, and other persons engaged in the hiring, employment, or superintendence of the labour of any such artificers shall be and be deemed to be “employers” ; and, within the meaning and for the purposes of this Act, any money or other thing had or contracted to be paid, delivered, or given as a recompense, reward, or remuneration for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or for an amount uncertain, shall be deemed and taken to be the wages of such labour ; and, within the meaning and for the purposes aforesaid, any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral, whether direct or indirect, to which the employer and artificers are parties, or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them, shall be and be deemed a “contract.”

8. [*Commencement of Act.*]

Repealed by Statute Law Revision Act, 1893.

9. *Short title.*—This Act may be cited for all purposes as the Hosiery Manufacture (Wages) Act, 1874.

THE EMPLOYERS AND WORKMEN ACT, 1875.

(38 & 39 VICT. c. 90.)

10. *Definitions : “Workman.”*—The expression “workman” does not include a domestic or menial servant, but save as aforesaid, means any person who, being a labourer, servant in husbandry (*a*), journeyman, artificer (*b*), handicraftsman, miner, or otherwise engaged in manual labour (*c*), whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in

writing, and be a contract of service or a contract personally to execute any work or labour.

This definition is made applicable to the Truck Acts by s. 2 of the Act of 1887, *post*, p. 350.

(a) **Servant in Husbandry.**—A person engaged on a farm to keep the accounts, weigh out food for cattle, set men to work, lend a hand to anything if wanted, and in all things carry out orders given him, is not a “servant in husbandry” (*Davies v. Berwick* (1861), 3 E. & E. 549 ; 30 L. J. M. C. 84).

(b) **Artificer.**—A pattern designer for a calico printer is an artificer (*Ex parte Ormrod* (1844), 1 D. & L. 825). And see *Pearce v. Lausdowne*, *infra*.

(c) **Manual Labour.**—The test is whether any manual labour which may be done by the servant is his real and substantial employment, or whether it is merely incidental and accessory to his real employment (*Bound v. Lawrence*, [1892] 1 Q. B. 226 ; 56 J. P. 118 ; 61 L. J. M. C. 21 ; 65 L. T. 844 ; 40 W. R. 1). A foreman or ganger who works with his own hands does not cease to be within the scope of the Truck Acts merely because he superintends other workmen and is paid by commission (*Whiteley v. Armitage* (1864), 13 W. R. 144) ; nor because he engages and pays his own assistants (*Grainger v. Aynsley* (1880), 6 Q. B. D. 182 ; 45 J. P. 142 ; 50 L. J. M. C. 48 ; 43 L. T. 608 ; 29 W. R. 242). But he must be bound by his contract to work with his own hands (*Sleeman v. Barrett* (1864), 2 H. & C. 934 ; 33 L. J. Ex. 153 ; 9 L. T. 834 ; 12 W. R. 411 ; 10 Jur. (N.S.) 476) ; and in *Squire v. Midland Lace Co.*, [1905] 2 K. B. 448 ; 69 J. P. 257 ; 74 L. J. K. B. 614 ; 93 L. T. 29 ; 53 W. R. 653, the King’s Bench Division, following the decisions of the Exchequer Chamber in *Ingram v. Barnes* (1857), 7 E. & B. 115, and the Court of Common Pleas in *Pillar v. Llynvi Coal Co.* (1869), 38 L. J. C. P. 294 (reported on this point in the L. J. report only), laid down the rule that “a man is not an artificer within the Act unless the employer has by the contract of hiring a right to require his personal work and labour in return for wages.”

A sempstress who works a sewing machine and irons materials is engaged in manual labour (*Maynard v. Peter Robinson, Limited* (1903), 89 L. T. 136).

The following persons are not within the definition : A grocer’s assistant who serves in the shop and ties up parcels (*Bound v. Lawrence*, *supra*) ; a hairdresser (*R. v. Louth JJ.*, [1900] 2 I. R. 714) ; a goods guard, whose main duty is to look after his train, but who occasionally has to couple and uncouple and unload trucks (*Hunt v. Great Northern Rail. Co.*, [1891] 1 Q. B. 601 ; 55 J. P. 470 ; 60 L. J. Q. B. 216 ; 64 L. T. 418) ; a tramcar driver (*Cook v. North Metropolitan Tramways Co.* (1887), 18 Q. B. D. 683 ; 51 J. P. 630 ; 56 L. J. Q. B. 309 ; 57 L. T. 476 ; 35 W. R. 577)—though the driver of a motor omnibus, who has to do necessary repairs to his vehicle when he is out with it, is within the Act (*Smith v. Associated Omnibus Co.*, [1907] 1 K. B. 916 ;

71 J. P. 239 ; 76 L. J. K. B. 574 ; 96 L. T. 675) ; an omnibus conductor (*Morgan v. London General Omnibus Co.* (1883), 13 Q. B. D. 832 ; 48 J. P. 503 ; 53 L. J. Q. B. 352 ; 51 L. T. 213 ; 32 W. R. 759)—though, in *Wilson v. Glasgow Tramways and Omnibus Co.* (1878), 5 Rettie, 981, Lords MONCRIEFF and ORMDALE expressed an opinion that a tram conductor is within the Acts ; a person employed under a contract “to assist the firm as a practical working mechanic in developing ideas the firm might wish to carry out, and to himself originate and carry out ideas and inventions suitable to the business of the firm if such inventions were approved by them” (*Jackson v. Hill* (1884), 13 Q. B. D. 618 ; 49 J. P. 118). In *Bagnall v. Levinstein*, [1907] 1 K. B. 531 ; 76 L. J. K. B. 234 ; 96 L. T. 184, a master of science entered the employment of a chemical manufacturer upon the terms of a written agreement which bound him to give his employers the benefit of any discoveries he might make. His duty was to superintend the manufacture of dyes and chemicals and necessarily involved a great deal of manual labour. The county court judge held that he was a workman, but the Court of Appeal by a majority held that the fact that he had to do manual labour was not in itself conclusive, and that the judge ought to have considered all the terms of the agreement, and ordered a new trial. This case was decided under the Workmen’s Compensation Act, 1897, but the judgment seems equally applicable to this section. A potman at a publichouse living on the premises is a domestic servant and not an artificer (*Pearce v. Lansdowne* (1893), 57 J. P. 760 ; 62 L. J. Q. B. 441 ; 69 L. T. 316).

It should be observed that the expression “manual labour” in the Factory Acts does not necessarily bear the same meaning that it does here (*Hoare v. Robert Green, Limited*, [1907] 2 K. B. 315 ; 71 J. P. 341 ; 76 L. J. K. B. 730 ; 96 L. T. 724).

11. Set-off in case of factory workers.]—In the case of a child, young person, or woman subject to the provisions of the Factory Acts, 1833 to 1874 (a), any forfeiture on the ground of absence or leaving work shall not be deducted from or set off against a claim for wages or other sum due for work done before such absence or leaving work (b), except to the amount of the damage (if any) which the employer may have sustained by reason of such absence or leaving work.

This enactment is greatly extended by s. 1 of the Truck Act, 1896, *post*, p. 357.

(a) Now the Factory Act, 1901.

(b) The claim must be for wages actually due. If a woman who is engaged by the week works for two days and then absents herself without leave for the rest of the week, she can recover nothing for the two days, because no wages are due until the end of a completed week (*Gregson v. Watson* (1876), 34 L. T. 143).

THE TRUCK AMENDMENT ACT, 1887.

(50 & 51 VICT. c. 46.)

1. *Short title.*—This Act may be cited as the Truck Amendment Act, 1887. The Act of the session of the first and second years of the reign of King William the Fourth, chapter thirty-seven, intituled “An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm” (in this Act referred to as the principal Act) may be cited as the Truck Act, 1831, and that Act and this Act may be cited together as the Truck Acts, 1831 and 1887, and shall be construed together as one Act.

2. *Application of principal Act to workman as defined by 38 & 39 Vict. c. 90.*—The provisions of the principal Act shall extend to, apply to, and include any workman as defined in the Employers and Workmen Act, 1875, section ten (*a*), and the expression “artificer” in the principal Act shall be construed to include every workman to whom the principal Act is extended and applied by this Act, and all provisions and enactments in the principal Act inconsistent herewith are hereby repealed.

(*a*) For this definition and the decisions thereon, see p. 347, *ante*.

3. *Advance of wages.*—Whenever by agreement, custom, or otherwise a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it shall not be lawful for the employer to withhold such advance or make any deduction in respect of such advance on account of poundage, discount, or interest, or any similar charge.

4. *Saving for servant in husbandry.*—Nothing in the principal Act or this Act shall render illegal a contract with a servant in husbandry for giving him food, drink, not being intoxicating, a cottage, or other allowances or privileges in addition to money wages as a remuneration for his services.

5. *Order for goods as a deduction from wages illegal.*—In any action brought by a workman for the recovery of

his wages, the employer shall not be entitled to any set-off or counterclaim in respect of any goods supplied to the workman by any person under any order or direction of the employer, or any agent of the employer, and the employer of a workman or any agent of the employer, or any person supplying goods to the workman under any order or direction of such employer or agent, shall not be entitled to sue the workman for or in respect of any goods supplied by such employer or agent, or under such order or direction, as the case may be.

Provided that nothing in this section shall apply to anything excepted by section twenty-three of the principal Act.

For further provisions as to orders for goods, see ss. 5 and 6 of the Act of 1831, *ante*, p. 336.

6. *No contracts with workman as to spending wages at any particular shop, etc.*—No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman any terms as to the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid to the workman are or is to be expended, and no employer shall by himself or his agent dismiss any workman from his employment for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid by the employer to such workman are or is expended or fail to be expended.

This section does not apply to contracts legalised by s. 23 of the Act of 1831 (*Lamb v. Great Northern Rail. Co.*, [1891] 2 Q. B. 281 ; 56 J. P. 22 ; 60 L. J. Q. B. 489 ; 65 L. T. 225 ; 39 W. R. 475).

7. *Deduction for education.*—Where any deduction is made by an employer from a workman's wages for education, such workman on sending his child to any state-inspected school selected by the workman shall be entitled to have the school fees of his child at that school paid by the employer at the same rate and to the same extent as the other workmen from whose wages the like deduction is made by such employer.

In this section "state-inspected school" means any elementary school inspected under the direction of the

Education Department in England or Scotland or of the Board of National Education in Ireland.

8. *Deduction for sharpening tools, etc.*—No deduction shall be made from a workman's wages for sharpening or repairing tools, except by agreement not forming part of the condition of hiring.

9. *Audit of deductions.*—Where deductions are made from the wages of any workmen for the education of children or in respect of medicine, medical attendance, or tools, once at least in every year the employer shall, by himself or his agent, make out a correct account of the receipts and expenditure in respect of such deductions, and submit the same to be audited by two auditors appointed by the said workmen, and shall produce to the auditors all such books, vouchers, and documents, and afford them all such other facilities as are required for such audit.

10. *Artificer to be paid in cash and not by way of barter for articles made by him.*—Where articles are made by a person at his own home, or otherwise, without the employment of any person under him except a member of his own family, the principal Act and this Act shall apply as if he were a workman, and the shopkeeper, dealer, trader, or other person buying the articles in the way of trade were his employer, and the provisions of this Act with respect to the payment of wages shall apply as if the price of an article were wages earned during the seven days next preceding the date at which any article is received from the workman by the employer.

This section shall apply only to articles under the value of five pounds knitted or otherwise manufactured of wool, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk, or of any combination thereof, or made or prepared of bone, thread, silk, or cotton lace, or of lace made of any mixed materials. Where it is made to appear to her Majesty the Queen in Council that, in the interests of persons making articles to which this section applies in any county or place in the United Kingdom, it is expedient so to do, it shall be lawful for her Majesty, by Order in Council, to suspend the operation of this section in such county or place, and

the same shall accordingly be suspended, either wholly or in part, and either with or without any limitations or exceptions, according as is provided by the Order.

11. Offences.]—If any employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer or agent, as the case may be, shall be guilty of an offence against the principal Act, and shall be liable to the penalties imposed by section nine of that Act as if the offence were such an offence as in that section mentioned.

12. Fine on person committing offence for which employer is liable, and power of employer to exempt himself from penalty on conviction of actual offender.]—(1) Where an offence for which an employer is, by virtue of the principal Act or this Act, liable to a penalty has in fact been committed by some agent of the employer or other person, such agent or other person shall be liable to the same penalty as if he were the employer.

(2) Where an employer is charged with an offence against the principal Act or this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved the employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of the said Acts, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.

When it is made to appear to the satisfaction of an inspector of factories or mines, or in Scotland a procurator fiscal, at the time of discovering the offence, that the employer had used due diligence to enforce the execution of the said Acts, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer, then the inspector or procurator fiscal shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

13. Recovery of penalties.]—(1) Any offence against the principal Act or this Act may be prosecuted, and any penalty therefor recovered in manner provided by the Summary Jurisdiction Acts, so, however, that no penalty shall be imposed on summary conviction exceeding that prescribed by the principal Act for a second offence.

(2) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of the principal Act and this Act within their districts so far as respects factories, workshops, and mines (*a*) inspected by them respectively, and such inspectors shall for this purpose have the same powers and authorities (*b*) as they respectively have for the purpose of enforcing the provisions of any Acts relating to factories, workshops, or mines, and all expenses incurred by them under this section shall be defrayed out of moneys provided by Parliament.

(3) In England all penalties recovered under the principal Act and this Act shall be paid into the receipt of her Majesty's Exchequer, and be carried to the Consolidated Fund.

(4) In Scotland—

(a) The procurators fiscal of the sheriff court shall, as part of their official duty, investigate and prosecute offences against the principal Act or this Act, and such prosecution may also be instituted in the sheriff court at the instance of any inspector of factories or inspector of mines ;

(b) All offences against the said Acts shall be prosecuted in the sheriff court.

(a) And laundries and places where work is given out. See s. 10 of the Act of 1896, *post*, p. 362.

(b) See s. 119 of the Factory and Workshop Act, 1901, *ante*, p. 158.

14. Definitions.]—In this Act, unless the context otherwise requires,—

The expression “Summary Jurisdiction Acts” means, as respects England, the Summary Jurisdiction Acts as defined by the Summary Jurisdiction Act, 1879 ; and, as respects Scotland, means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same :

Other expressions have the same meaning as in the principal Act.

15. *Disqualification of justice.*]—So much of the principal Act as disqualifies any justice from acting as such under the principal Act is hereby repealed.

A person engaged in the same trade or occupation as an employer charged with an offence against the principal Act or this Act shall not act as a justice of the peace in hearing and determining such charge.

16. *Amendment of 1 & 2 Will. 4, c. 37, as to overseers.*]—The provisions of the principal Act conferring powers on any overseers or overseer of the poor (a) shall be deemed to confer those powers in the case of England on the guardians of a union, and in the case of Scotland on the inspectors of the poor.

(a) See s. 7 of the Act of 1831, *ante*, p. 336.

17. *Repeal.*]—The Acts mentioned in the Schedule to this Act are hereby repealed to the extent in the third column of the said Schedule mentioned, without prejudice to anything heretofore done or suffered in respect thereof.

18. *Application of Acts to Ireland.*]—The principal Act, so far as it is not hereby repealed, and this Act shall extend to Ireland, subject to the following provisions :

- (1) Any offence against the principal Act or this Act may be prosecuted and any penalty therefor may be recovered in the manner provided by the Summary Jurisdiction (Ireland) Acts ; (that is to say,) within the Dublin Metropolitan Police District the Acts regulating the powers and duties of justices of the peace and of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same ;
- (2) Penalties recovered under the principal Act or this Act shall be applied in the manner directed by the Fines (Ireland) Act, 1851, and the Acts amending the same.

SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
12 Geo. 1, c. 34.	An Act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages.	Section three, and so much of section eight as applies section three.
22 Geo. 2, c. 27.	An Act, the title of which begins with "An Act for the more effectual preventing of frauds," and ends with the words "and for the better payment of their wages."	So much of section twelve as applies to any enactment repealed by this Act.
30 Geo. 2, c. 12.	An Act, the title of which begins with the words "An Act to amend an Act," and ends with the words "payment of the workmen's wages in any other manner than in money."	Sections two and three.
57 Geo. 3, c. 115.	An Act, the title of which begins with the words "An Act to extend the provisions of an Act," and ends with the words "articles of cutlery."	The whole Act.
57 Geo. 3, c. 122.	An Act, the title of which begins with the words "An Act to extend the provisions," and ends with the words "extending the provisions of the said Acts to Scotland and Ireland."	The whole Act.
1 & 2 Will. 4, c. 37.	An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm.	Section ten, down to "be produced to the court and jury" inclusive; section eleven, section twelve, section fifteen, sections sixteen, section eighteen, section nineteen, in section twenty the words "or servant in husbandry"; section twenty-one, section twenty-two, section twenty-four from "and unless the agreement" inclusive to end of section, and section twenty-five from "all workmen" to "purposes aforesaid" both inclusive, and the Schedules.

THE TRUCK ACT, 1896.

(59 & 60 VICT. c. 44.)

1. *Deductions or payments in respect of fines.*—(1) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman, for or in respect of any fine (*a*), unless—

- (a) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen and in such a position that it may be easily seen, read, and copied by any person whom it affects; or the contract is in writing, signed by the workman; and
- (b) the contract specified the acts or omissions in respect of which the fine may be imposed (*b*), and the amount of the fine or the particulars from which that amount may be ascertained; and
- (c) the fine imposed under the contract is in respect of some act or omission which causes or is likely to cause damage or loss to the employer (*b*), or interruption or hindrance to his business; and
- (d) the amount of the fine is fair and reasonable having regard to all the circumstances of the case.

(2) An employer shall not make any such deduction or receive any such payment, unless—

- (a) the deduction or payment is made in pursuance of, or in accordance with, such a contract as aforesaid; and
- (b) particulars in writing showing the acts or omissions in respect of which the fine is imposed and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

(3) This section shall apply to the case of a shop assistant in like manner as it applies to the case of a workman.

This section and s. 11 of the Employers and Workmen Act, 1875, *ante*, show that fines are not forbidden by the Truck Act, 1831, notwithstanding the judgments in *Williams v. North's Navigation Collieries*, *ante*, p. 334.

The jurisdiction of magistrates to determine a dispute under the Employers and Workmen Act, 1875, is not ousted by reason

of the fact that the dispute arises over an agreement to which this section applies (*Buxton Lime Firms Co. v. Howe*, [1900] 2 Q. B. 232 ; 64 J. P. 503 ; 69 L. J. Q. B. 498 ; 82 L. T. 422).

(a) **Fine.**—It has been held in Ireland that a bonus for good conduct does not come within this section. In *Deane v. Wilson*, [1906] 2 I. R. 405, a workwoman was employed at 8s. per week of 55½ hours with a bonus of 2s. per week for full attendance and for that alone. The requirements of this section were not complied with. The Irish Court of King's Bench held that no offence against the Truck Acts had been committed.

(b) In *Squire v. Bayer & Co.*, [1901] 2 K. B. 299 ; 65 J. P. 629 ; 70 L. J. K. B. 704 ; 49 W. R. 557, a rule was posted in a factory workroom that all workers should observe "good order and decorum." Some of the workers danced to music in the room during meal hours and raised a dust which was likely to cause damage to the machines at which they worked. One of the workers was fined for so doing in breach of the rule :—*Held*, by Lord ALVERSTONE, C.J., and LAWRENCE, J., that the rule was sufficiently specific, that the act of the workers was a contravention of it, and that the dancing was "likely to cause damage or loss to the employer," and that the worker was rightly fined.

2. *Deductions or payments in respect of damaged goods.*]

—(1) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for or in respect of bad or negligent work or injury to the materials or other property of the employer, unless—

(a) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen and in such a position that it may be easily seen, read, and copied by any person whom it affects ; or the contract is in writing, signed by the workman ; and

(b) the deduction or payment to be made under the contract does not exceed the actual or estimated damage or loss occasioned to the employer by the act or omission of the workman, or of some person over whom he has control, or for whom he has by the contract agreed to be responsible ; and

(c) the amount of the deduction or payment is fair and reasonable, having regard to all the circumstances of the case.

(2) An employer shall not make any such deduction or receive any such payment unless—

- (a) the deduction or payment is made in pursuance of, or in accordance with, such a contract as aforesaid ; and
- (b) particulars in writing showing the acts or omissions in respect of which the deduction or payment is made and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

See also s. 23 of the Act of 1831, *ante*, p. 341.

3. *Deductions or payments in respect of materials.*]—

(1) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for, or in respect of, the use or supply of materials, tools or machines, standing room, light, heat, or for or in respect of any other thing to be done or provided by the employer in relation to the work or labour of the workman unless—

- (a) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to workmen, and in such a position that it may be easily seen, read, and copied by any person whom it affects ; or the contract is in writing signed by the workman ; and
- (b) the sum to be paid or deducted under the contract in respect of materials, tools or machines, standing room, light, heat, or any other thing, does not exceed, in the case of materials or tools supplied to the workman, the actual or estimated cost thereof to the employer, or in the case of the use of machinery, light, heat, or any other thing in this section mentioned, a fair and reasonable rent or charge, having regard to all the circumstances of the case.

(2) An employer shall not make any such deduction or receive any such payment unless—

- (a) the deduction or payment is made in pursuance of, and in accordance with, such a contract as aforesaid ; and

- (b) particulars in writing showing the things in respect of which the deduction or payment is made and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

See also s. 23 of the Act of 1831, *ante*, p. 341.

4. *Penalty.*—If any employer enters into any contract contrary to this Act, or makes any deduction or receives any payment contrary to this Act, he shall be guilty of an offence against the Truck Act, 1831, and shall be liable to the penalties imposed by section nine of that Act as if the offence were an offence in that section mentioned.

5. *Recovery of payments or deductions.*—Any workman or shop assistant may recover any sum deducted by or paid to his employer contrary to this Act, provided that proceedings for such recovery are commenced within six months from the date of the deduction or payment sought to be recovered, and that where he has consented to or acquiesced in any such deduction or payment, he shall only recover the excess which has been deducted or paid over the amount, if any, which the court may find to have been fair and reasonable, having regard to all the circumstances of the case.

6. *Production of contract.*—(1) Every employer who has made any contract purporting or intending to operate as a contract under this Act, shall, on demand in writing by one of her Majesty's inspectors of factories or of mines, produce the contract or a true copy thereof at any convenient time and place to be named by the inspector, and the inspector shall be at liberty to take a copy of the same or of any part thereof, and the employer of any workman or shop assistant who is party to any such contract shall at the time of making the contract give the workman or shop assistant a copy of the contract or of the notice containing its terms.

(2) A workman or shop assistant who is party to any such contract shall be entitled, on request, to obtain from his employer free of charge a copy of the contract or of the notice containing its terms.

(3) Every employer who has made any contract purporting or intending to operate as a contract under section one of this Act shall keep a register of deductions or payments, and shall enter therein every deduction or payment for or in respect of any fine purporting to be made under any such contract, specifying the amount and the nature of the act or omission in respect of which the fine was imposed, and this register shall be at all times open to inspection by one of her Majesty's inspectors of factories or of mines.

(4) If any person fails to comply with this section he shall be liable on summary conviction to a fine not exceeding forty shillings.

7. *Exemption of contract from stamp duty.*]—A contract entered into under the provisions of this Act shall not be liable to stamp duty.

8. *Saving as to contracts and payments illegal under existing Acts.*]—Nothing in this Act shall make lawful any contract or payment which is illegal under the Truck Acts, 1831 and 1887, or under the Hosiery Manufacture (Wages) Act, 1874, or affect the provisions of the Coal Mines Regulation Act, 1887, or any amending Act, with respect to persons employed in mines and paid according to weight, or make lawful any deduction from payments made to those persons.

9. *Power to exempt from provisions of Act.*]—(1) The Secretary of State, if satisfied that the provisions of this Act are unnecessary for the protection of the workmen employed in any trade or business, or in any branch or department of any trade or business, either generally or within any specified area, may by order under his hand grant an exemption from those provisions in respect of the persons engaged in that trade, business, branch or department, either generally or within that area (*a*).

(2) The Secretary of State may at any time amend or revoke any such order.

(3) Every order made under this section shall be laid as soon as may be before both Houses of Parliament, and if either House within the next forty days after the order has been so laid before that House resolves that the order ought to be annulled, the order shall, after the date of that

resolution, be of no effect, without prejudice to the validity of anything done in the meantime under the order or to the making of a new order.

(a) By Order, dated March 3rd, 1897, an exemption from the provisions of the Truck Act, 1896, in respect of the persons engaged in all branches of the weaving of cotton in the counties of Lancashire, Cheshire, Derbyshire, and the West Riding of Yorkshire, has been granted.

10. *Duties of inspectors.*—Sub-section two of section thirteen of the Truck Amendment Act, 1887 (which relates to the duty of inspectors) shall apply in the case of a laundry, and in the case of any place where work is given out by the occupier of a factory or workshop, or by a contractor, or sub-contractor, in like manner as it applies in the case of a factory.

11. *Commencement.*—This Act shall come into operation on the first day of January one thousand eight hundred and ninety-seven.

12. *Short title and construction.*—This Act may be cited as the Truck Act, 1896 ; and the Truck Acts, 1831 and 1887, and this Act shall be construed together as one Act and may be cited collectively as the Truck Acts, 1831 to 1896.

THE SHOP CLUBS ACT, 1902.

(2 EDW. 7, c. 21.)

1. *Membership of friendly society, etc., not to be condition of employment.*—It shall be an offence under this Act if an employer shall make it a condition of employment—

- (a) That any workman shall discontinue his membership of any friendly society ; or
- (b) That any workman shall not become a member of any friendly society other than the shop club or thrift fund.

The expressions “friendly society,” “shop club” and “thrift fund” are defined in s. 7, *post*.

The meaning of the expressions “employer” and “workman” is doubtful. See the Introduction to the Truck Acts, *ante*, p. 332.

For penalty, see s. 4, *post*.

2. *Employer not to require workman to join shop club, etc.* (59 & 60 Vict. c. 25).]—It shall be an offence under this Act if an employer shall make it a condition of employment that any workman shall join a shop club or thrift fund, unless the shop club or thrift fund is registered under the Friendly Societies Act, 1896, subject to the provisions of this Act, and certified under this Act by the Registrar of Friendly Societies.

No shop club or thrift fund shall be so certified unless the Registrar of Friendly Societies is satisfied :

- (a) That the shop club or thrift fund is one that affords to the workman benefits of a substantial kind, in the form of contributions or benefits at the cost of the employer in addition to those provided by the contributions of the workman ;
- (b) That the shop club or thrift fund is of a permanent character and is not a society that annually or periodically divides its funds, and that no member of such shop club or thrift fund shall, except in accordance with the provisions of section six of this Act, be required to cease his membership in such shop club or thrift fund upon leaving the firm with which such club or fund is connected.

Before so certifying any shop club or thrift fund, the registrar shall take steps to ascertain the views of the workmen, and shall be satisfied that at least seventy-five per cent. of the workmen desire the establishment of such shop club or thrift fund, and further shall consider any objections that they may make to the certification.

The expressions “friendly society,” “registrar,” “shop club” and “thrift fund” are defined in s. 7, *post*.

The meaning of the expressions “employer” and “workman” is doubtful. See the Introduction to the Truck Acts, *ante*, p. 332.

For penalty, see s. 4, *post*.

3. *Regulations.*]—The regulations contained in the Schedule of this Act shall apply to any shop club or thrift fund certified under this Act.

4. *Penalty.*]—Every person who commits an offence within the meaning of this Act shall be liable, on summary conviction, to a fine not exceeding five pounds, and, in the case of a second or subsequent conviction within

one year of a previous conviction, to a fine not exceeding twenty pounds :

Provided that, where an offence is committed in respect of several persons at the same time, the offender shall not be convicted of more than one offence.

5. *Exemption of railways.*—Nothing in this Act shall prohibit compulsory membership of any superannuation fund, insurance or other society already existing for the benefit of the persons employed by any railway company; to the funds of which such company contributes.

6. *Compensation to workman ceasing to be member of shop club.*—In any case where a workman, by the conditions of his employment, is a member of a shop club, he shall, upon his dismissal from, or upon leaving, his employment, unless contrary to the rules of the club (*a*), have the option of remaining a member or of having returned to him the amount of his share of the funds of the club, to be ascertained by actuarial calculation : Provided that every such member who shall exercise the option to remain a member of the club shall not, so long as he remains out of such employment, be entitled to take any part in the management of the club, or to vote in respect thereof.

(*a*) **Rules of the Club.**—This includes rules not certified by the registrar (*per* KEKEWICH, J., in *Balchin v. Lord Ebury* (1903), 20 T. L. R. 60).

7. *Definitions.*—In this Act—

The term “friendly society” means a friendly society registered under the Friendly Societies Act, 1896, and includes a registered branch, and in application to Scotland and Ireland the word “registrar” means the registrar as defined in that Act :

The expression “shop club” or “thrift fund” means every club and society for providing benefits to workmen in connection with a workshop, factory, dock, shop or warehouse.

It is doubtful whether the expressions “workshop,” “factory,” “dock” and “warehouse” bear the same meaning as in the Factory Acts. See the Introduction to the Truck Acts, *ante*, p. 332.

8. *Date of Act.*]—This Act shall come into operation on the first day of January one thousand nine hundred and three.

9. *Short title.*]—This Act may be cited as the Shop Clubs Act, 1902.

SCHEDULE.

REGULATIONS AS TO CERTIFICATION UNDER THIS ACT.

The rules of a shop club or thrift fund (hereinafter Section termed “the society”) shall provide for the following matters :

- i. The name and place of office of the society.
- ii. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member and the consequences of non-payment of any subscription or fine.
- iii. The mode of holding meetings and right of voting, and the manner of making, altering and rescinding rules.
- iv. The appointment and removal of a committee of management (by whatever name), of a treasurer and other officers, and of trustees.
- v. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.
- vi. Annual returns to the registrar of the receipts, funds, effects, and expenditure and numbers of members of the society.
- vii. The inspection of the books of the society by every person having an interest in the funds of the society.
- viii. The manner in which disputes shall be settled.
- ix. The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate account of the expenses of management and of all contributions on account thereof.

- x. A valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions.
 - xi. The voluntary dissolution of the society by consent of not less than five-sixths in value of the persons contributing to the funds of the society, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for.
 - xii. The right of one-fifth of the total number of members, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, to apply to the chief registrar, or, in any case of societies registered and doing business exclusively in Scotland or Ireland, to the assistant registrar for Scotland or Ireland, for an investigation of the affairs of the society or for winding up the same.
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APPENDIX A.

OTHER ACTS AFFECTING PERSONS EMPLOYED IN FACTORIES AND WORKSHOPS.

THE EMPLOYMENT OF CHILDREN ACT, 1903.

(3 EDW. 7, c. 45.)

(Sections 1 and 2 enable local authorities to make byelaws regulating the employment of children and young persons under sixteen. They and the other sections omitted here do not apply to factories or workshops. See s. 9, post, p. 368.

The Act has been extensively amended by the Prevention of Cruelty to Children Act, 1904, but the amendments do not affect the sections set out here).

3. General restrictions on employment of children.]—(1) A child shall not be employed between the hours of nine in the evening and six in the morning : Provided that any local authority may, by byelaw, vary these hours either generally or for any specified occupation (a).

(2) A child under the age of eleven years shall not be employed in street trading.

(3) No child who is employed half-time under the Factory and Workshop Act, 1901, shall be employed in any other occupation.

(4) A child shall not be employed to lift, carry or move anything so heavy as to be likely to cause injury to the child.

(5) A child shall not be employed in any occupation likely to be injurious to his life, limb, health or education, regard being had to his physical condition.

(6) If the local authority send to the employer of any child a certificate, signed by a registered medical practitioner, that the lifting, carrying or moving of any specified weight is likely to cause injury to the child, or that any specified occupation is likely to be injurious to the life, limb, health or education of the child, the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.

For definitions of “child,” “employ ” and “local authority,” see s. 13, *post*, p. 369.

(a) This proviso does not apply to children employed in factories or workshops. See s. 9, *post*, p. 368.

5. Offences and penalties.]—(1) If any person employs a child or other person under the age of sixteen in contravention of this Act

or of any byelaw under this Act, he shall be liable on summary conviction to a fine not exceeding forty shillings or, in case of a second or subsequent offence, not exceeding five pounds.

(2) If any parent or guardian of a child or other person under the age of sixteen has conduced to the commission of the alleged offence by wilful default, or by habitually neglecting to exercise due care, he shall be liable on summary conviction to the like fine.

For definition of "guardian," see s. 13, *post*, p. 369.

6. *Offences by agents or workmen and by parents.*—(1) Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

(2) Where a child is taken into employment in contravention of this Act on the production, by or with the privity of the parent, of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

(3) Where an employer is charged with any offence under this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the court is satisfied that the employer had used due diligence to comply with the provisions of the Act, and that the other person had committed the offence in question without the employer's knowledge, consent or connivance, the other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine.

(4) When it is made to appear to the satisfaction of an inspector or other officer charged with the enforcement of this Act, at the time of discovering the offence, that the employer had used all due diligence to enforce compliance with this Act, and also by what person the offence had been committed, and also that it had been committed without the knowledge, consent or connivance of the employer and in contravention of his order, then the inspector or officer shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer.

7. *Limitation of time.*—With respect to summary proceedings for offences and fines under this Act and any byelaws made thereunder, the information shall be laid within three months after the commission of the offence.

9. *Employment in factories.*—Byelaws made under this Act shall not apply to any child above twelve employed in pursuance of the Factory and Workshop Act, 1901, or the Metalliferous Mines Regulation Act, 1872, or the Coal Mines Regulation Act, 1887, so far as regards that employment; and, in the application of section three to children employed under those Acts, the

inspectors appointed under those Acts shall be substituted for the local authority in respect of such employment.

13. Definitions.]—In this Act—

The expression “child” means a person under the age of fourteen years :

The expression “guardian,” used in reference to a child, includes any person who is liable to maintain or has the actual custody of the child :

The expressions “employ” and “employment,” used in reference to a child, include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or to any other person :

The expression “local authority” means, in the case of the City of London, the mayor, aldermen and commons of that city in common council assembled, in the case of a municipal borough with a population, according to the census of nineteen hundred and one, of over ten thousand, the borough council, and in the case of any other urban district with a population, according to the census of nineteen hundred and one, of over twenty thousand, the district council, and elsewhere the county council.

14. Application to Scotland.]—In the application of this Act to Scotland—

(3) Any fine or penalty under this Act shall be recoverable by imprisonment in terms of the Summary Jurisdiction Acts :

(4) The expression “local authority,” in sections one and three of this Act, shall mean the school board . . . :

(5) Nothing in this Act shall affect the power of the school board to grant exemptions in certain employments, as provided by sub-section three of section seven of the Education (Scotland) Act, 1878, and the expression “this Act” in the said section shall be deemed to include the Employment of Children Act, 1903 :

(7) Nothing in this Act shall make it lawful for any child to be employed in contravention of section six of the Education (Scotland) Act, 1878, or section two of the Education (Scotland) Act, 1901 (a).

(a) *Post*, p. 378.

16. Application to Ireland.]—In the application of this Act to Ireland—

(2) The expression “local authority” means, in the case of an urban district with a population, according to the census of nineteen hundred and one, of over five thousand, the district council and elsewhere the county council :

17. Commencement of Act.]—This Act shall come into operation on the first day of January one thousand nine hundred and four.

18. Short title.]—This Act may be cited as the Employment of Children Act, 1903.

THE CENSUS OF PRODUCTION ACT, 1906.

(6 EDW. 7, c. 49.)

(This Act authorises the Board of Trade from time to time to take a census of production. For this purpose forms may be issued to the persons named in the Schedule, who are compelled to fill them in under a penalty of ten pounds for neglect or refusal, or for giving false information. Each individual return is to be regarded as confidential, and any person disclosing its contents is liable to fine or imprisonment. Powers are also given to the Board of Trade and the Home Secretary to collect voluntary information in addition to that made compulsory by the Act.)

Only such parts of the Act as specially affect the Factory Acts or the occupiers of factories and workshops are printed here.)

5. *Inter-departmental arrangements.*]—(1) The Secretary of State may, as respects any factory, workshop, mine, or quarry, issue and collect any of the forms under this Act by arrangement with the Board of Trade, and in such case shall have the same powers and duties for the purpose as are by this Act conferred on the Board of Trade: Provided that the Board of Trade shall not transfer its powers to make rules under section eight.

(2) The Secretary of State may, if he thinks fit, by arrangement with the Board of Trade, cause any statistical returns, which under any other enactment he is authorised to obtain with respect to factories, workshops, mines, or quarries, to be collected at the same time, and, if convenient, on the same forms as returns under this Act.

10. *Intervals for making returns under 1 Edw. 7, c. 22, s. 130.*]—If the Secretary of State so directs, the intervals at which returns are to be made under section one hundred and thirty of the Factory and Workshop Act, 1901, may, notwithstanding anything in that section, be the same as the intervals at which a census is directed under this Act to be taken.

SCHEDULE.

LIST OF PERSONS REQUIRED TO MAKE RETURNS.

(A) The occupier of every factory or workshop within the meaning of the Factory and Workshop Act, 1901.

(B) The owner, agent, or manager of every mine and quarry.

(C) Every builder, that is to say, a person who, by way of trade or business, undertakes the construction or alteration of a building or any part thereof.

(D) Every person who by way of trade or business executes works of construction, alteration, or repair of railroads, tramroads, harbours, docks, canals, sewers, roads, embankments, reservoirs or wells, or of laying or altering gas or water pipes, or telegraphic, telephonic, or electric lines or works, or any other prescribed works.

(E) Every person who by way of trade or business gives out work to be done elsewhere than on his own premises.

(F) Every person carrying on any other trade or business which may be prescribed.

THE EXPLOSIVES ACT, 1875.

(38 & 39 VICT. c. 17.)

63. Whenever there occurs any accident by explosion or by fire in or about or in connection with any factory, magazine, or store . . . the occupier of such factory, magazine, store, . . . shall forthwith send or cause to be sent notice of such accident and of the loss of life or personal injury (if any) occasioned thereby to the Secretary of State. A notice of any accident of which notice is sent in pursuance of this section to a Government inspector need not be sent to any inspector . . . of factories or any inspector of mines.

Where in, about, or in connection with any carriage, ship, or boat, either conveying an explosive, or on or from which an explosive is being loaded or unloaded, there occurs any accident by explosion or by fire causing loss of life or personal injury, or if the amount of explosive conveyed or being so loaded or unloaded exceeds in the case of gunpowder half a ton, and in the case of any other explosive the prescribed amount(*a*), any accident by explosion or by fire, the owner or master of such carriage, ship, or boat, and the owner of the explosive conveyed therein or being loaded or unloaded therefrom, or one of them, shall forthwith send or cause to be sent notice of such accident, and of the loss of life or personal injury, if any, occasioned thereby, to the Secretary of State.

Every such occupier, owner, or master as aforesaid who fails to comply with this section shall be liable to a penalty not exceeding twenty pounds.

(*a*) By Order in Council of November, 1875, the amount is fixed at 200 lbs., provided that nothing in the Order shall apply where no explosive is conveyed, loaded, or unloaded other than ammunition of the first division of the sixth class.

THE PUBLIC HEALTH ACT, 1875.

(38 & 39 VICT. c. 55.)

38. *Privy accommodation for factories.*—Where it appears to any local authority by the report of their surveyor that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture trade or business, the local authority may, if they think fit, by written notice require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of water-closets earth-closets or privies and ashpits for the separate use of each sex.

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding

twenty pounds and to a further penalty not exceeding forty shillings for every day during which the default is continued.

Failure to make adequate provision as above required is also an offence punishable under s. 9 of the Factory Act, 1901. See p. 20, *ante*. See also note (*f*) to s. 2 of that Act, *ante*, p. 14.

Note that this section is repealed as regards places where s. 22 of the Act of 1890 (*infra*) is in force.

91.—(6) Any factory, workshop, or workplace . . . not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases vapours dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein . . . shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act.

See note (*f*) to s. 2 of the Factory Act, 1901, *ante*, p. 14.

THE PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

(53 & 54 VICT. c. 59.)

22. *Sanitary conveniences for manufactories, etc.*—(1) Every building, used as a workshop or manufactory, or where persons are employed or intended to be employed in any trade or business, whether erected before or after the adoption of this Part of this Act in any district, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at such building, and also where persons of both sexes are employed, or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

(2) Where it appears to an urban authority on the report of their surveyor that the provisions of this section are not complied with in the case of any building, the urban authority may, if they think fit, by written notice, require the owner or occupier of any such building to make such alterations and additions therein as may be required to give such sufficient, suitable, and proper accommodation as aforesaid.

(3) Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding forty shillings.

(4) Where this section is in force (*a*), section thirty-eight of the Public Health Act, 1875, shall be repealed.

(*a*) This Act being adoptive, its provisions only apply where they have been adopted by the local authority, but s. 38 of the Public Health Act, 1875, *supra* (which contains similar provisions), and s. 9 of the Factory Act, 1901, provide for cases where this Act is not in force. See note (*f*) to s. 2 of the Factory Act, 1901, *ante*, p. 14.

THE PUBLIC HEALTH (LONDON) ACT, 1891.

(54 & 55 VICT. c. 76.)

2.—(1) For the purposes of this Act,—

- (g) Any factory, workshop, or workplace which is not a factory subject to the provisions of the Factory and Workshop Act, 1878, relating to cleanliness, ventilation, and overcrowding, and
 - (i) is not kept in a cleanly state and free from effluvia arising from any drain, privy, earth-closet, water-closet, urinal, or other nuisance, or
 - (ii) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or
 - (iii) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein,shall be nuisances liable to be dealt with summarily under this Act.

(2) Provided that—

- (i) Any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under this section, if it is proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health ; and
- (ii) in considering whether any dwelling-house or part of a dwelling-house which is used also as a factory, workshop, or workplace, or whether any factory, workshop, or workplace used also as a dwelling-house, is a nuisance by reason of overcrowding, the court shall have regard to the circumstance of such other user.

See note (a) to s. 2 of the Factory Act, 1901, *ante*, p. 13.

25. *Limewashing and washing of workshops.*] — (1) Where, on the certificate of a medical officer of health or sanitary inspector, it appears to any sanitary authority that the limewashing, cleansing, or purifying of any workshop (other than a bakehouse), or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve notice in writing on the owner or occupier of the workshop to limewash, cleanse, or purify the workshop or part as the case requires, within the time specified in the notice ; and, if the person on whom notice is so served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding

ten shillings for every day during which he continues to make default after conviction ; and the sanitary authority may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person on whom the notice was served.

(2) This section shall apply to any factory which is not subject to the provisions of the Factory and Workshop Act, 1878, and the Acts amending the same, and to any workplace, in like manner as it applies to a workshop.

26. *Enactments respecting bakehouses.*] — (1) Sections thirty-four, thirty-five, and eighty-one of the Factory and Workshop Act, 1878, and sections fifteen and sixteen of the Factory and Workshop Act Amendment Act, 1883 (*a*) (which relate to cleanliness, ventilation, and other sanitary conditions), shall, as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate, and they shall be the local authority within the meaning of those sections.

(2) For the purposes of this section, the provisions of this Act with respect to the admission of the sanitary authority and their officers into any premises for any purpose in relation to nuisances shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section ; and every person refusing or failing to allow the sanitary authority or their officer to enter any premises in pursuance of those provisions for the purposes of this section shall be subject to a fine.

(*a*) Now ss. 97—100, and 135 of the Factory and Workshop Act, 1901, pp. 114—116, and p. 172, *ante*.

27. *Notice to factory inspector respecting child or woman in workshop.*] — If any child, young person, or woman is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.

38. *Sanitary conveniences for manufactories, etc.*] — (1) Every factory, workshop, and workplace, whether erected before or after the passing of this Act, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at such building, and also where persons of both sexes are, or are intended to be, employed, or in attendance, with proper separate accommodation for persons of each sex.

(2) Where it appears to a sanitary authority that this section is not complied with in the case of any factory, workshop, or workplace, the sanitary authority shall, by notice served on the owner or occupier of such factory, workshop, or workplace, require him to make the alterations and additions necessary to secure such compliance, and if the person served with such notice fails

to comply therewith he shall be liable to a fine not exceeding twenty pounds, and to a fine not exceeding forty shillings for every day after conviction during which the non-compliance continues.

See note (*f*) to s. 2 of the Factory Act, 1901, *ante*, p. 14.

THE ELEMENTARY EDUCATION ACT, 1876.

(39 & 40 VICT. c. 79.)

5. A person shall not, after the commencement of this Act, take into his employment (except as hereinafter in this Act mentioned) any child— . . .

(2) Who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act in that behalf mentioned, unless such child, being of the age of ten years or upwards, is employed, and is attending school in accordance with the provisions of the Factory Acts, or of any byelaw of the local authority (hereinafter mentioned) made under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1873, and this Act, and sanctioned by the Education Department.

6. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

7. . . . Provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories workshops and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories workshops and mines of the provisions of this Act respecting the employment of children ; but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise. . . .

THE ELEMENTARY EDUCATION ACT, 1880.

(43 & 44 VICT. c. 23.)

4. Every person who takes into his employment a child of the age of ten and under the age of *thirteen years* (*a*), resident in a school district, before that child has obtained a certificate of having reached the standard of education fixed by a byelaw in force in the district for the total or partial exemption of children of the like age from the obligation to attend school, shall be deemed to take such child into his employment in contravention of the

Elementary Education Act, 1876, and shall be liable to a penalty accordingly (*b*).

(*a*) Now fourteen years. See Elementary Education Act, 1900, *infra*. Note that by s. 62 of the Factory and Workshop Act, 1901, a child cannot be employed in a factory or workshop under the age of twelve years.

(*b*) For penalty, see s. 6 of the Act of 1876, *ante*.

THE ELEMENTARY EDUCATION (SCHOOL ATTENDANCE) ACT, 1893.

(56 & 57 VICT. c. 51.)

1. The age at which a child may, in pursuance of any byelaw made under the Elementary Education Acts, 1870 to 1891, obtain total or partial exemption from the obligation to attend school, on obtaining a certificate as to the standard of examination which he has reached shall be raised to *eleven* (*a*), and every such byelaw, so far as it provides for such exemption, shall be construed and have effect as if a reference to *eleven* (*a*) years of age were substituted therein for a reference to a lower age, and in section seventy-four of the Elementary Education Act, 1870, *eleven* (*a*) shall be substituted for ten.

(*a*) Now twelve. See s. 1 of the Act of 1899, *post*.

2. If any person takes a child into his employment in such manner as to prevent the child from attending school in accordance with the byelaws for the time being in force in the district in which the child resides, he shall be deemed to take the child into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty (*a*) accordingly.

(*a*) For penalty, see s. 6 of the Act of 1876, *ante*.

3. Nothing in this Act shall apply in the case of any child who at the passing of this Act is under the byelaws then in force in the district in which he resides exempt wholly or partially, as the case may be, from the obligation to attend school.

4. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four.

5. This Act may be cited as the Elementary Education (School Attendance) Act, 1893, and shall be read with the Elementary Education Acts, 1870 to 1891.

THE ELEMENTARY EDUCATION (SCHOOL ATTENDANCE) ACT (1893) AMENDMENT ACT, 1899.

(62 & 63 VICT. c. 13.)

1. On and after the first day of January one thousand nine hundred the Elementary Education (School Attendance) Act, 1893, shall have effect as if "twelve" were substituted therein for "eleven."

Provided that nothing in this Act shall apply in the case of any child who at the said date is, under the byelaws then in force in the school district in which he resides, exempt, wholly or partially, as the case may be, from the obligation to attend school.

Provided also that the local authority for any district may, by byelaw for any parish within their district, fix thirteen years as the minimum age for exemption from school attendance in the case of children to be employed in agriculture, and that in such parish such children over eleven and under thirteen years of age who have passed the standard fixed for partial exemption from school attendance by the byelaws of the local authority shall not be required to attend school more than two hundred and fifty times in any year.

Such byelaw shall have effect as a byelaw made under section seventy-four of the Elementary Education Act, 1870, and all Acts amending the same.

The local authority shall be the local authority fixed by section seven of the Elementary Education Act, 1876.

Provided also that a child shall be entitled to obtain partial exemption from school attendance on attaining the age of twelve years if such child has made three hundred attendances in not more than two schools during each year for five preceding years whether consecutive or not.

2. This Act may be cited as the Elementary Education (School Attendance) Act (1893) Amendment Act, 1899, and shall be read with the Elementary Education Acts, 1870 to 1897.

THE ELEMENTARY EDUCATION ACT, 1900.

(63 & 64 VICT. c. 53.)

6.—(1) . . . in section four of the Elementary Education Act, 1880, . . . fourteen years shall be substituted for thirteen years.

THE EDUCATION (SCOTLAND) ACT, 1901.

(1 EDW. 7, C. 9.)

2. It shall not be lawful for any person to take into his employment any child (1) who is under the age of twelve years, or (2) who, being of the age of twelve years and not more than fourteen years, has not obtained exemption from the obligation to attend school from the school board of the district in the manner provided in the next following section ; nor shall any child (1) who is under the age of twelve years, or (2) who, being of the age of twelve years and not more than fourteen years, has not been exempted from the obligation to attend school in manner afore-said, be employed in any casual employment, as defined by section six of the Education (Scotland) Act, 1878 (*a*), after nine o'clock at night from the first day of April to the first day of October, and after seven o'clock at night from the first day of October to the first day of April.

Provided that nothing in this section shall prevent any employer from employing any child who is lawfully employed by him or by any other person at the date of the commencement of this Act.

(*a*) The definition referred to is (s. 6) : "Casual employment shall mean employment for purposes of gain in streets or other places in vending or exposing for sale any article whatsoever, and also employment of any other kind, outside the child's own home, not being employment the lawful period whereof is regulated by any Act of Parliament."

3. It shall be lawful for any school board, where after due inquiry in each case the circumstances seem to justify such exemption, to grant exemption from the obligation to attend school to individual children over twelve years of age, for such time and upon such conditions, if any, as to the amount and manner of further attendance at school until the age of fourteen, as the school board shall think fit ; and such exemption shall exempt the parent of such child from any prosecution or other proceeding under the Education Acts for neglecting to provide for the education of such child. . . .

Additional conditions have been imposed by the Education (Scotland) Act, 1908, *post*, p. 397.

EXTRACTS FROM REVISED REGULATIONS OF THE
21ST MARCH, 1901.

AS TO

CERTIFICATES OF AGE, PROFICIENCY, AND SCHOOL
ATTENDANCE.

(Elementary Education Act, 1876, s. 24.)

CERTIFICATES OF AGE.

1. A certificate of the date of a child's birth will be granted by a registrar or superintendent registrar of births and deaths on presentation of a requisition in a form prescribed for the purpose

by the Local Government Board, pursuant to the 20th section of the Factory and Workshop Act, 1891 (*a*). The prescribed form of requisition is annexed to this Order (Schedule I.). The fee for such certificate is not to exceed 6*d*. (*Order of Local Government Board, dated October 20th, 1891*).

(*a*) Now s. 134 of the Factory and Workshop Act, 1901.

2. A statutory declaration of the date of a child's birth, made by the parent of the child before a magistrate, may be accepted by the local authority in place of a registrar's certificate. The declaration shall be made on the form annexed to this Order (Schedule II.).

3. When a local authority, under the power given by the 26th section of the Elementary Education Act, 1876, have obtained a return of the births of children in their district which will enable them to grant age certificates to individual children, they shall, on the application of any parent or other person interested in the education or employment of a child, grant such certificate under the hand of their clerk, or other officer deputed for the purpose, for a fee not exceeding 4*d*. for each child. This certificate is to be given in the form hereinafter prescribed for labour certificates (Schedule III.), or, in the case of a child over thirteen years of age, in the form prescribed in Schedule IV.

CERTIFICATES OF PROFICIENCY.

4. Certificates of proficiency are certificates of having reached or passed any standard prescribed by the code. To reach or pass a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

5. At any visit of an inspector to any public elementary or other certified efficient school, the managers are required to admit to examination, and the inspector to examine for a certificate of proficiency, any child over twelve years, or if the child is to be employed in agriculture under any byelaw made under section 1, Elementary Education (School Attendance) (Act) 1893 Amendment Act, 1899, over eleven years of age, whether a scholar in the school or not, if the child's parent or guardian or the local authority apply for the child to be examined for such a certificate; but the inspector is at liberty to refuse to examine any child for whose examination due provision is made elsewhere, or any child who has not been instructed for at least six months in the standard in which he is presented, or who has failed in that standard at an examination held in the previous three months.

6. The inspector may, in concert with the local authority, hold such special examinations as he may think necessary of children over eleven years of age, whom their parents or guardians or the local authority wish to be examined for certificates of proficiency.

7. The inspector does not grant certificates to individual children, but after every examination held as above he sends to the managers of the school, or in the case of a special examination to the local authority, a schedule containing the names of the children who have passed in all the three elementary subjects in any standard, with a certificate that such children have reached the standards entered opposite to their names.

8. If the local authority do not make arrangements to obtain from the managers a copy of so much of this schedule as they require, they may accept a certificate under the hand of the principal teacher of any certified efficient school as evidence that any scholar in such school has been certified by one of his Majesty's inspectors to have reached a particular standard. The principal teacher shall give such certificate, free of charge, in the form given in the second column of Certificate No. 1 in the Third Schedule to this Order, or, in the case of a child over thirteen years of age, and employed under the provisions of the Elementary Education Act, 1876, in the form given in the Fifth Schedule to this Order.

CERTIFICATES OF SCHOOL ATTENDANCE.

9. Any local authority, parent, or other person interested in the employment or education of a child over twelve and under fourteen, may require the principal teacher for the time being of any certified efficient school, which such child has attended, to furnish a certificate specifying the number of school attendances made by the child in the school during each year, for which the school registers are preserved.

10. The teacher shall give such certificate in the form annexed to this Order (Schedule VI.), in the first case free of charge, and for a fee not exceeding 1*d.* for each year's attendances in the case of the second or any subsequent certificate, that may be demanded in respect of such child.

11. The school registers of every certified efficient school shall be carefully preserved by the managers. If a school is discontinued, the registers are to be handed over to the local authority of the district.

LABOUR CERTIFICATES.

12. Any parent or other person interested in the employment or education of any child may apply to the local authority of the district in which the child resides for a labour certificate. The applicant must present to the local authority the evidence of age prescribed above ; he must further present *either* the certificate of proficiency, *or* that of school attendance prescribed above, and the local authority, if they are satisfied that the child is qualified for total or partial exemption from school attendance under the byelaws of the district, or for employment in agriculture under any byelaw made in that behalf, or for employment under the

Board of Education.
Form 123 (a).

SCHEDULE II.

STATUTORY DECLARATION BY PARENT.

44 & 45 VICT. C. 41, s. 68.

I hereby solemnly declare that _____ was born on the _____ day
of _____ A.D.

And I make the above declaration conscientiously believing the same
to be true, and by virtue of the Statutory Declarations Act, 1835.

Declared before me at _____ in the (a)
of _____ this day of _____
19 .
Signed _____, (Signed) _____
Justice of the Peace for the (a)
of _____.

(a) County or borough.

Board of Education.
Form 146 (a).

SCHEDULE III.

School District of

LABOUR CERTIFICATE, No. 1.

Age and Employment.

I certify that *A.B.*, residing
at _____, was on the _____ day of
19 _____, not less than **twelve**
years of age, having been born on
the _____ day of _____ 1 _____, as
appears by the registrar's certifi-
cate [*or the statutory declaration*]
now produced to me (a), and has
been shown to the satisfaction of
the local authority for this district
to be beneficially employed.

(Signed) _____,
(b) Clerk to the (c)
for the above district.

Proficiency.

I certify that *A.B.*, residing
at _____ has received a certificate
from _____ one of His Majesty's
Inspectors of Schools, that he [*or*
she] has (d) reached the
Standard.

(Signed) _____,
Principal Teacher of the
School.
or (b) Clerk to the (c)
for the above district.

(a) Strike out what follows if the child is qualified for full time employment.

(b) Or other officer.

(c) School Board or School Attendance Committee.

(d) To reach a standard a child must be individually examined in reading, writing,
and arithmetic in that or a higher standard, and must pass in each of those subjects.

EXTRACTS FROM REVISED REGULATIONS.—SCHEDS. 383

Board of Education.
Form 146 a (1).

School District of .

LABOUR CERTIFICATE, No. 1 (a) (for total exemption after
13 years of age).

Age and Employment.

I certify that *A.B.*, residing
at , was on the day of ,
19 , not less than **thirteen**
years of age, having been born on
the day of , 1 , as
appears by the registrar's certifi-
cate [or the statutory declaration]
now produced to me, and has
been shown to the satisfaction of
the local authority for this district
to be beneficially employed.

(Signed) ,
(a) Clerk to the (b)
for the above district.

Previous Attendance.

I certify that *A.B.*, residing
at , has made 350 attendances
in not more than two schools
during each year for five preceding
years, whether consecutive or
not, as shown by the (c) certificate
furnished by the Principal Teacher
of the (d) School.

(Signed) ,
(a) Clerk to the (b)
for the above district.

(a) Or other officer.

(b) School Board or School Attendance Committee.

(c) For this certificate see Schedule VI.

(d) Here name School or Schools in which the attendances have been made.

N.B.—In districts where the byelaws extend to the age of 14, this certificate can only
be granted if the byelaws permit full time exemption on an attendance qualification.

Board of Education.
Form 146 (b).

School District of .

LABOUR CERTIFICATE, No. 2 (for partial exemption only).

Age and Employment.

I certify that *A.B.*, residing
at , was on the day of ,
19 , not less than **twelve**
years of age, having been born on
the day of , 1 , as
appears by the registrar's certifi-
cate [or the statutory declaration]
now produced to me, and has
been shown to the satisfaction of
the local authority for this district
to be beneficially employed.

(Signed) ,
(a) Clerk to the (b)
for the above district.

Previous Attendance.

I certify that *A.B.*, residing
at , has made 300 attendances
in not more than two schools
during each year for five preceding
years, whether consecutive or
not, as shown by the (c) certificate
furnished by the Principal Teacher
of the (d) School.

(Signed) ,
(a) Clerk to the (b)
for the above district.

(a) Or other officer.

(b) School Board or School Attendance Committee.

(c) For this certificate see Schedule VI.

(d) Here name School or Schools in which the attendances have been made.

Board of Education.
Form 146 (c).

School District of .

LABOUR CERTIFICATE, No. 3 (Agriculture).

Age and Employment.

I certify that *A.B.*, residing at , was on the day of , 19 , not less than **eleven** years of age, having been born on the day of , 1 , as appears by the registrar's certificate [*or the statutory declaration*] now produced to me, and that notice has been given to the local authority for this district that he is to be employed in agriculture.

(Signed) ,
(a) Clerk to the (b)
for the above district.

Proficiency.

I certify that *A.B.*, residing at , has received a certificate from one of His Majesty's Inspectors of Schools, that he [*or she*] has (c) passed the Standard, being that prescribed by the byelaws for partial exemption.

(Signed) ,
Principal Teacher of the
School.
or (a) Clerk to the (b)
for the above district.

(a) Or other officer.

(b) School Board or School Attendance Committee.

(c) To pass a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

N.B.—This certificate can only be given in school districts where a special "agricultural" byelaw is in force.

Board of Education.
Form 144 (a).

SCHEDULE IV.

(The following certificate applies only to cases of children over 13 years of age.)

CERTIFICATE OF AGE FOR THE PURPOSE OF EMPLOYMENT UNDER
SECTION 5, ELEMENTARY EDUCATION ACT, 1876.

I certify that *A.B.*, residing at , was on the day of , 19 , not less than **thirteen** years of age, having been born on the day of , 1 , as appears by the registrar's certificate [*or the statutory declaration*] now produced to me.

Signed ,
Clerk to the (a)
of .

(a) School Board or School Attendance Committee.

Board of Education.
Form 144 (b).

SCHEDULE V.

(The following certificate applies only to cases of children over 13 years of age.)

CERTIFICATE OF PROFICIENCY FOR THE PURPOSE OF EMPLOYMENT
UNDER SECTION 5, ELEMENTARY EDUCATION ACT, 1876.

I hereby certify that A.B., residing at has received a certificate from , one of His Majesty's Inspectors of Schools, that he [or she] has reached (a) the standard of reading, writing, and elementary arithmetic fixed by Standard IV. of the Code of 1876.

Signed ,
Principal Teacher of the School,
or Clerk to the (b)
of .

(a) To reach a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.
(b) School Board or School Attendance Committee.

Board of Education.
Form 144 (c).

SCHEDULE VI.

CERTIFICATE OF SCHOOL ATTENDANCE FOR THE PURPOSE OF EMPLOYMENT UNDER SECTION 5, ELEMENTARY EDUCATION ACT, 1876, OR FOR TOTAL OR PARTIAL EXEMPTION UNDER THE BYELAWS.

(a) School.

I hereby certify that the following particulars with respect to the Attendances made by the Child named below, at this School after attaining the age of five years, are correctly taken from the Registers of the School.

Name in full, and Residence of Child.	Number of Attendances made within the 12 months ending the 31st December.	
	1	
	1	
	1	
	1	
	1	

Signed this day of , 19 .

Principal Teacher of the above-named School.

(a) Enter name in full, and state whether Public Elementary or Certified Efficient School.

MODEL BYELAWS

PROVIDING FOR MEANS OF ESCAPE FROM FIRE IN FACTORIES
AND WORKSHOPS UNDER S. 15 OF THE FACTORY AND
WORKSHOP ACT, 1901.PREPARED BY THE LOCAL GOVERNMENT BOARD IN JUNE, 1906, AFTER
CONSULTATION WITH THE HOME SECRETARY.

SUGGESTED FOR ADOPTION BY DISTRICT COUNCILS.

[NOTE.—*All byelaws proposed to be made under this section must be submitted in draft to the Local Government Board for confirmation, and all the conditions imposed by ss. 182—186 of the Public Health Act, 1875, must be complied with.*]

Byelaws

made by the (a) with respect to the provision of means of escape in case of fire in certain factories and workshops in the (b).

1. Throughout these byelaws the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say—

“Council” means the (a) :

“Appointed day” means the date of the confirmation of these byelaws :

“Factory or workshop” includes a laundry :

“Fire-resisting material means—

(1) Brickwork constructed of good bricks well burnt, hard and sound, properly bonded and solidly put together ;

(2) Stone, cement concrete and other hard and incombustible material suitable for building purposes by reason of its solidity and durability ;

(3) Iron, steel and copper ;

(4) Oak and teak and other hard timber, and timber specially treated so as to render it non-inflammable.

2. These byelaws shall not apply to any factory or workshop in which more than forty persons are employed.

3.—(1) Every building of more than one storey which or any part of which is used as a factory or workshop shall be provided with adequate stairs or steps, permanently fixed, which shall be constructed so as to be adequately lighted by natural or artificial means, and as to afford direct and unimpeded access from every part of the factory or workshop to the ground floor of the building,

(a) “Mayor, aldermen, and burgesses of the borough of _____, acting by the council”; or “urban [or rural] district council of _____”; as the case may be.

(b) Insert name of borough or urban or rural district, as the case may be.

and where practicable to an open space on the outside of the building or a public thoroughfare.

All such stairs or steps shall be directly connected with landings, corridors, lobbies or passages giving access to every part of the factory or workshop, and shall be provided with a suitable and sufficient hand-rail.

Provided always that for a period of twelve months after the appointed day the foregoing requirements of this byelaw shall not be deemed to apply in the case of a building used as a factory or workshop prior to the appointed day.

(2) In the case of any building constructed for use as a factory or workshop after the appointed day, and in the case of any building constructed for use otherwise than as a factory or workshop in which alterations affecting the form and structure of the premises are made after the appointed day for the purpose of converting the building for use as a factory or workshop, all stairs or steps required to be provided in pursuance of this byelaw shall, together with the supports thereto, be of fire-resisting materials.

(3) The foregoing requirements shall not apply in the case of a building of which the ground floor only is used as a factory or workshop.

4. Every building to which the foregoing byelaw applies, any floor or floors of which being more than thirty feet from the ground, is or are used for factory or workshop purposes, and in which either more than ten persons are employed or readily inflammable materials are stored, shall, in addition to the stairs or steps required by these byelaws, be provided with means of escape in case of fire, by—

- (i) An external staircase constructed of fire-resisting material ;
or
- (ii) An efficient and suitable fire-escape ; or
- (iii) Ready means of access to the roof of the building, and where practicable to the roof of any adjoining building.

5.—(1) Every factory or workshop shall in every room in which persons are habitually employed be provided with at least one window, which shall be constructed so as to open easily at the level of the sill and so that the aperture of the window shall be of an extent sufficient for the easy passage of any person employed in the factory or workshop, and where in any such room there is any window not so constructed, the window or windows that are so constructed shall be distinctively marked for the information of the persons employed.

(2) Every window or door giving access to any external staircase or any fire-escape or means of access to the roof, shall be distinctively marked for the information of the persons employed.

6. Every person who after the appointed day erects a new building for use as a factory or workshop shall, in and about the erection of the building, and in and about any works connected with the adaptation or fitting of the building for use as a factory or workshop, comply with every requirement of these byelaws which applies to a building of the like description.

7. The owner of a building which on or after the appointed day is used as a factory or workshop shall execute all such works and do all such things as are necessary to bring the factory or workshop into a condition satisfying all such requirements of these byelaws as apply to a factory or workshop of the like description.

Provided that nothing in or done under these byelaws shall deprive the owner of the benefit of any covenant or condition in a lease or in any other contract of tenancy to which the occupier of any such building is a party, or otherwise prevent the owner from enforcing any right to recover from the occupier or any person any expenses consequent upon compliance with the byelaws.

8. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of *five pounds*, and in the case of a continuing offence to a further penalty of *forty shillings* for each day after written notice of the offence from the council.

Provided nevertheless that the court of summary jurisdiction before whom any proceedings may be taken in respect of any such offence may, if the court think fit, adjudge the payment of any sum less than the full amount of the penalty imposed by this byelaw.

THE SHOP HOURS ACT, 1892.

(55 & 56 VICT. c. 62.)

(*The Shops Regulation Acts* (i.e., *the Shop Hours Acts of 1892, 1893, 1895 and 1904, and the Seats for Shop Assistants Act, 1899*), together with the *Employment of Children Act, 1903*, form a code of the law relating to employment in shops.)

1. *Short title.*]—This Act may be cited as the Shop Hours Act, 1892.

2. *Commencement of Act.*]—This Act shall come into operation on the first day of September one thousand eight hundred and ninety-two.

3. *Hours of employment in shops.*]—(1) No young person shall be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week (*a*).

(2) No young person shall to the knowledge of his employer be employed in or about a shop having been previously on the same day employed in any factory or workshop, as defined by the Factory and Workshop Act, 1878 (*b*), for the number of hours permitted by the said Act or for a longer period than will together with the time during which he has been so previously employed complete such number of hours.

(*a*) The period of seventy-four hours a week limited by this section for the employment of a young person in or about a shop is inclusive of time occupied upon the employer's business elsewhere than in the shop (*Collman v. Roberts*, [1896] 1 Q. B. 457; 65 L. J. M. C. 63).

(*b*) Now the Act of 1901. See s. 149 of that Act, *ante*.

4. *Notice of hours to be given.*—In every shop (a) in which a young person is employed a notice shall be kept exhibited by the employer in a conspicuous place referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed in that shop (b).

(a) The notice need not be exhibited in a temporary bookstall consisting of boards laid upon trestles (*W. H. Smith & Son v. Kyle*, [1902] 1 K. B. 286).

(b) The penalty is under the Shop Hours Act, 1895. See p. 391, *post*.

5. *Fine for employing persons contrary to the Act.*—Where any young person is employed in or about a shop contrary to the provisions of this Act, the employer shall be liable to a fine not exceeding one pound for each person so employed.

6. *Power of occupier to exempt himself from fine on conviction of actual offender.*—Where the employer of any young person is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said employer proves to the satisfaction of the court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

7. *Summary proceedings.*—All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1878 (a), and sections eighty-eight, eighty-nine, ninety, and ninety-one of the said Act, and so much of section ninety-two thereof as relates to evidence respecting the age of any person, and the provisions relating to the application of the said Act to Scotland and Ireland, so far as those provisions are applicable, shall have effect as if re-enacted in this Act and in terms made applicable thereto.

(a) Now the Factory and Workshop Act, 1901. The sections are now ss. 143—147, *ante*, pp. 180—183.

8. *Appointment of inspectors.*—The council of any county or borough, and in the city of London the common council, may appoint such inspectors as they may think necessary for the execution of this Act within the areas of their respective jurisdictions, and sections sixty-eight and seventy of the Factory and Workshop Act, 1878 (a), shall apply in the case of any such inspector as if he were appointed under that Act, and as if the expression workshop as used in those sections included any shop within the meaning of this Act.

The powers conferred by this section may be exercised in Ireland by the council of any municipal borough and by the commissioners of any town or township.

(a) Now ss. 119, 121, and 139 of the Factory and Workshop Act, 1901, *ante*, pp. 158, 160, 178.

9. *Interpretation.*—In this Act, unless the context otherwise requires—

“Shop” means retail and wholesale shops, markets, stalls (a), and warehouses in which assistants are employed for hire, and includes licensed public-houses (b) and refreshment houses of any kind :

“Young person” means a person under the age of eighteen years :

Other words and expressions have the same meanings respectively as in the Factory and Workshop Act, 1878 (c).

(a) In *W. H. Smith & Son v. Kyle*, [1902] 1 K. B. 286, Lord ALVERSTONE, C.J., expressed an opinion that a temporary bookstall consisting of boards laid upon trestles, would be a “shop” for most of the purposes of the Act.

(b) The expression “licensed publichouse” means any place having a publichouse licence, and therefore includes a first-class residential hotel (*Savoy Hotel Co. v. London County Council*, [1900] 1 Q. B. 665 ; 64 J. P. 262 ; 69 L. J. Q. B. 274 ; 82 L. T. 56 ; 48 W. R. 351).

(c) Now the Act of 1901.

10. *Exemption of members of the same family, and servants.*—Nothing in this Act shall apply to a shop where the only persons employed are members of the same family, dwelling in the building of which the shop forms part or to which the shop is attached, or to members of the employer’s family so dwelling, or to any person wholly employed as a domestic servant (a).

(a) A page boy in a hotel who sleeps on the premises and who is principally employed as a messenger, but partly also in assisting to dust the reception rooms, is not within this exemption (*Savoy Hotel Co. v. London County Council*, *supra*).

THE SHOP HOURS ACT, 1893.

(56 & 57 VICT. c. 67.)

1. *Short titles.*—This Act may be cited as the Shop Hours Act, 1893, and this Act and the Shop Hours Act, 1892, may be cited together as the Shop Hours Acts, 1892 and 1893.

2. *Salaries and expenses.*—(1) Any salaries payable or other expenses incurred by the council of a county or a borough for the purposes of the Shop Hours Act, 1892, shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate.

(2) In Ireland, such salaries and expenses shall be defrayed, if payable or incurred by the council of a municipal borough out of

the borough fund or borough rate, and, if payable or incurred by the commissioners of a town or township, out of any rate leviable by them as such commissioners throughout the whole of their district.

3. *Definitions.*]—In the application to Scotland of the Shop Hours Act, 1892, and of this Act,—

The expression “council of a county or a borough” means the county council of a county and the commissioners of police of burghs in which there are such commissioners, and in burghs in which there are no such commissioners the town council.

The expressions “county fund” shall mean the general purposes rate, and “borough fund or borough rate” shall mean, in burghs in which there are commissioners of police, the police assessment, or in their option the public health assessment; and in burghs in which there are no such commissioners any assessment levied by the town council.

THE SHOP HOURS ACT, 1895.

(58 VICT. C. 5.)

1. *Penalty on failure to comply with 55 & 56 Vict. c. 62, s. 4.*]—If any employer fails to keep exhibited the notice required by section four of the Shop Hours Act, 1892, in manner required by that section, he shall be liable to a fine not exceeding forty shillings.

2. *Short title and construction.*]—This Act may be cited as the Shop Hours Act, 1895, and shall be construed as part of the Shop Hours Act, 1892, and the Shop Hours Acts, 1892 and 1893, and this Act may be cited collectively as the Shop Hours Acts, 1892 to 1895.

THE SEATS FOR SHOP ASSISTANTS ACT, 1899.

(62 & 63 VICT. C. 21.)

1. *Seats to be provided in shops, etc.*]—In all rooms of a shop, or other premises where goods are actually retailed to the public, and where female assistants are employed for the retailing of goods to the public, the employer carrying on business in such premises shall provide seats behind the counter, or in such other position as may be suitable for the purpose, and such seats shall be in the proportion of not less than one seat to every three female assistants employed in each room.

2. *Penalty.*]—Any person failing to comply with the provisions of this Act shall be liable, on summary conviction, for a first offence to a fine not exceeding three pounds, and for a second or

subsequent offence to a fine not less than one pound and not exceeding five pounds.

3. *Commencement of Act.*]—This Act shall come into force on the first day of January, one thousand nine hundred.

4. *Construction and short title.*]—This Act shall be read and construed as one with the Shop Hours Acts, 1892 to 1895, and may be cited separately as the Shops for Shop Assistants Act, 1899.

THE SHOP HOURS ACT, 1904.

(4 EDW. 7, c. 31.)

1. *Closing order.*]—An order (in this Act referred to as “a closing order”) made by a local authority and confirmed by the central authority, in manner provided by this Act, may fix the hours on the several days of the week at which, either throughout the area of the local authority or in any specified part thereof, all shops or shops of any specified class are to be closed for serving customers.

The words “the days of the week” mean “all or any of the days of the week,” and therefore the local authority may fix the closing time on one day and not on others (*Att.-Gen. v. Brighton Corporation* (1908), 72 J. P. 306 ; 77 L. J. Ch. 603).

2. *Contents and effect of order.*]—(1) The hour fixed by a closing order (in this Act referred to as “the closing hour”) shall not be earlier than seven o'clock in the evening on any day of the week, except that on one specified day in the week it may be an hour not earlier than one o'clock in the afternoon.

(2) A closing order may prohibit, either absolutely or subject to such exemptions and conditions as may be contained in the order, the carrying on of any retail trade after the closing hour in any place, not being a shop, within the area to which the order applies, for the carrying on of which it would be unlawful to keep a shop open after that hour.

(3) The order may—

(a) define the shops and trades to which the order applies ;
and

(b) authorise sales after the closing hour in cases of emergency and in such other circumstances as may be specified or indicated in the order ; and

(c) contain any incidental, supplemental or consequential provisions which may appear necessary or proper.

(4) Nothing in a closing order shall apply to any fair lawfully held or a bazaar for charitable purposes nor to any shop where the only trade or business carried on is one or more of the trades or businesses mentioned in the Schedule to this Act.

(5) Where several trades and businesses are carried on in the same shop and any of those trades or businesses are of such a

nature that if they were the only trades or businesses carried on in the shop the closing order would not apply to the shop, the shop may be kept open after the closing hour for the purposes of those trades and businesses alone; but on such terms and under such conditions as may be specified in the order :

Provided that the terms and conditions as respects post office business shall be subject to the approval of the Postmaster-General.

3. *Procedure for making orders.*]—(1) Whenever a local authority are satisfied that a *prima facie* case is made out for making a closing order, the authority shall give public notice, in the prescribed manner and in the prescribed form, of their intention to make an order, specifying therein a period (not being less than the prescribed period) within which objections may be made to the making of the proposed order and, if, after taking into consideration any objections they may have received, the local authority are satisfied that it is expedient to make the order and that the occupiers of at least two-thirds in number of the shops to be affected by the order approve the order, they may make the order.

(2) Notice of the provisions of the order shall be given and copies thereof shall be supplied in the prescribed manner, and the order shall be submitted to the central authority, and the central authority shall consider any objections to the order and may either disallow the order or confirm the order with or without amendment.

(3) As soon as the central authority have confirmed any order, the order shall become final and have the effect of an Act of Parliament :

Provided that every closing order shall be laid before each House of Parliament as soon as may be after it is confirmed, and, if an address is presented to his Majesty by either House within the next subsequent forty days on which that House has sat after any such order is laid before it praying that the order may be cancelled, his Majesty in Council may annul the order, and any order so annulled shall thenceforth become void and of no effect, but without prejudice to any proceedings which may in the meantime have been taken under the order and without prejudice to the power of making any new closing order.

When once a closing order has been confirmed, evidence cannot be given to show that some of the preliminary steps required by this section have been omitted (*per* the Court of Justiciary in Scotland in *Hamilton v. Fyfe*, [1907] Sess. Cas. (J.) 79).

4. *Revocation of order.*]—The central authority may at any time on the application of the local authority revoke a closing order either absolutely or so far as it affects any particular class of shops, and, if at any time it is made to appear to the satisfaction of the local authority that the occupiers of a majority of any class of shops to which a closing order applies are opposed to the

continuance of the order, the local authority shall apply to the central authority to revoke the order in so far as it affects that class of shops, but any such revocation shall be without prejudice to the making of any new closing order.

5. *Penalties for offences.*]—If any person contravenes the provisions of a closing order he shall be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding in the case of a first offence one pound, in the case of a second offence five pounds and in the case of a third or subsequent offence twenty pounds :

Provided that nothing in this Act or in any order shall render a person liable to any penalty for serving after the closing hour any customer who was in the shop before the closing hour.

6. *Local inquiries.*]—The central authority may for the purposes of any of their powers and duties under this Act cause a local inquiry to be held, and the costs incurred in relation to any such inquiry, including the salary of any officer engaged in the inquiry, not exceeding three guineas a day, shall be paid by the local authority concerned, and the central authority may certify the amount of the costs incurred. Any sums so certified shall be a debt to the Crown from the local authority.

7. *Regulations.*]—The central authority may make regulations—

- (a) for prescribing anything which under this Act is to be prescribed ; and
- (b) as to the mode of ascertaining the opinion of occupiers of shops ; and
- (c) as to conduct of local inquiries and matters incidental thereto ; and
- (d) as to the procedure for obtaining the revocation of a closing order ; and
- (e) generally for carrying into effect the provisions of this Act.

8. *Definitions.*]—(1) In this Act the expression “ local authority ” in London outside the city means a metropolitan borough council and elsewhere means the council of an urban district with a population, according to the census of one thousand nine hundred and one, of over twenty thousand and any council or other authority having power to appoint inspectors under the Shop Hours Acts, 1892 to 1895, and the provisions of those Acts relating to offences and proceedings, the appointment, powers and salaries of inspectors and the expenses of local authorities shall apply as if they were herein re-enacted and in terms made applicable to this Act and as if references to the occupier of a shop were substituted for references to the employer of a young person.

(2) Any expenses incurred by a metropolitan borough council under this Act shall be defrayed as part of the expenses of the council, and the expenses of an urban district council shall be defrayed as part of the general expenses incurred in the execution of the Public Health Acts.

(3) In this Act, unless the context otherwise requires—
The expression “shop” includes any premises or place where retail trade (including the business of a barber) is carried on :
The expression “central authority” means in England a Secretary of State, in Scotland the Secretary for Scotland and in Ireland the Lord Lieutenant.

9. *Power of county councils to delegate powers under the Shop Hours Acts, 1892 to 1895.*]—Where an order under this Act is in force in any metropolitan borough or urban district, the council of the county in which the borough or district is situate may delegate to the council of the borough or district, either with or without any restrictions or conditions as they think fit, their powers under the Shop Hours Acts, 1892 to 1895.

10. *Short title.*]—This Act may be cited as the Shop Hours Act, 1904 ; and the Shop Hours Acts, 1892 to 1895, and the Seats for Shop Assistants Act, 1899, and this Act may be cited together as the Shops Regulation Acts, 1892 to 1904.

SCHEDULE.

[Section 2.]

Post-office business.

The sale of medicines and medical and surgical appliances.

The sale by retail of intoxicating liquors for consumption on or off the premises.

The sale of refreshments for consumption on the premises.

The sale of tobacco and other smokers' requisites.

The sale of newspapers.

The business carried on at a railway bookstall or at a railway refreshment room.

APPENDIX B.

(The following Statutes and Regulations for Dangerous Trades were published too late to be included in their proper places in the body of the book.)

THE WHITE PHOSPHORUS MATCHES PROHIBITION ACT, 1908.

(8 EDW. 7, c. 42.)

An Act to prohibit the Manufacture, Sale, and Importation of Matches made with White Phosphorus, and for other purposes in connection therewith. [21st December 1908.]

1. *Prohibition of use of white phosphorus in manufacture of matches.*]—(1) It shall not be lawful for any person to use white phosphorus in the manufacture of matches, and any factory in which white phosphorus is so used shall be deemed to be a factory not kept in conformity with the Factory and Workshop Act, 1901, and that Act shall apply accordingly.

(2) The occupier of any factory in which the manufacture of matches is carried on shall allow an inspector under the Factory and Workshop Act, 1901, at any time to take for analysis sufficient samples of any material in use or mixed for use, and, if he refuses to do so, shall be guilty of obstructing the inspector in the execution of his duties under that Act :

Provided that the occupier may, at the time when the sample is taken, and on providing the necessary appliances, require the inspector to divide the sample so taken into two parts and to mark, seal, and deliver to him one part.

2. *Prohibition of sale.*]—It shall not be lawful for any person to sell or to offer or expose for sale or to have in his possession for the purposes of sale any matches made with white phosphorus, and, if any person contravenes the provisions of this section, he may on complaint to a court of summary jurisdiction be ordered to forfeit any such matches in his possession, and any matches so forfeited shall be destroyed or otherwise dealt with as the court may think fit, but this provision shall not come into operation as respects any retail dealer until the first day of January, nineteen hundred and eleven.

3. *Prohibition of importation.*]—It shall not be lawful to import into the United Kingdom matches made with white phosphorus, and matches so made shall be included amongst the goods

enumerated and described in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876.

4. *Compulsory licence to use patents.*—(1) Any person who is manufacturing or proposing to manufacture matches by way of trade may present a petition to the Board of Trade, praying for the grant of a compulsory licence to use any process patented at the passing of this Act for the manufacture of matches without white phosphorus, other than matches intended to strike only on a surface specially prepared for the purpose.

(2) The Board of Trade, after considering any representations that may be made by the patentee as defined by the Patents and Designs Act, 1907, and any person claiming an interest in the patent as exclusive licensee or otherwise, and, after consultation with the Secretary of State, may order the patentee to grant a licence to the petitioner on such terms as the Board may think just. The provisions of the Board of Trade Arbitrations, &c., Act, 1874, shall apply to proceedings under this section as if this Act were a special Act within the meaning of that Act.

(3) An order of the Board directing the grant of a licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the petitioner and the patentee and such other persons claiming an interest in the patent as aforesaid.

5. *Short title, commencement, and construction.*—(1) This Act may be cited as the White Phosphorus Matches Prohibition Act, 1908, and shall, except as otherwise expressly provided, come into operation on the first day of January nineteen hundred and ten.

(2) For the purposes of this Act the expression “white phosphorus” means the substance usually known as white or yellow phosphorus.

THE EDUCATION (SCOTLAND) ACT, 1908.

(8 EDW. 7, c. 63.)

* * * * *

9.—(1) It shall be lawful for a school board in granting exemption from the obligation to attend school under section three of the Education (Scotland) Act, 1901, to impose as a condition of such exemption (in addition to any other lawful conditions) such attendance as the school board shall prescribe—

(a) at a day school, or

(b) where a suitable continuation class is available, at such continuation class, or

(c) partly at such school and partly at such continuation class, after the age of fourteen years, and until such age not exceeding sixteen years as the school board shall think fit.

(2) The school board may on cause shown remit or modify any condition imposed under this section.

(3) If any person knowingly employs a young person above the age of fourteen years at any time when his attendance at a school

or a continuation class is required by a condition imposed under this section, or for a number of hours which, when added to the time required under this section to be spent at a continuation class, causes the hours of employment and the time so spent, taken together, to exceed in any day or week, as the case may be, the period of employment permitted for such young person by any Act of Parliament, he shall be liable on summary conviction to a penalty not exceeding twenty shillings, or in case of a second or subsequent offence, whether relating to the same or to another young person, not exceeding five pounds.

(4) If any parent of a young person by wilful default or by habitually neglecting to exercise due care has conduced to the commission of an offence under the immediately preceding subsection or otherwise to failure on the part of the young person to attend at a school or a continuation class at a time when his attendance is required by a condition imposed under this section, he shall be liable on summary conviction to the like penalties as aforesaid.

* * * * *

34. In this Act . . .

The expression “day school” means a school or department of a school—

(a) conducted in accordance with the code of regulations of the Department for day schools, or

(b) providing a curriculum approved by the Department in terms of the regulations for the time being in force as to grants to secondary schools :

The expression “continuation class” means a class conducted in accordance with the code of regulations of the Department for classes providing further instruction for pupils who have left school :

. . . the expression “parent” includes guardian and any person who is liable to maintain or has the actual custody of the child or young person ; . . .

REGULATIONS FOR DANGEROUS TRADES.

For the Use of East Indian Wool.

1908. No. 1287.

In pursuance of section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations, and direct that they shall apply to all factories in which East Indian wool is used.

These Regulations shall come into force on the 1st January, 1909.

1. It shall be the duty of the occupier to observe Part I. of these Regulations. It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

2. No East Indian wool or hair shall be treated in any dust-extracting machine unless such machine is covered over and the cover connected with an exhaust fan so arranged as to discharge the dust into a furnace or into an intercepting chamber.

3. The occupier shall provide and maintain suitable overalls and respirators to be worn by the persons engaged in collecting and removing the dust.

PART II.

Duties of Persons Employed.

4. No person employed shall treat East Indian wool in any dust-extracting machine otherwise than as permitted in Regulation 2.

5. Every person engaged in collecting or removing dust shall wear the overall and respirator provided in accordance with Regulation 3.

6. If any fan, or any other appliance for the carrying out of these Regulations, is out of order, any workman becoming aware of the defect shall immediately report the fact to the foreman.

For Vitreous Enamelling Metal or Glass.

1908. No. 1258.

Whereas the process of vitreous enamelling of metal or glass has been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous ;

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories and workshops in which vitreous enamelling of metal or glass is carried on.

Provided that nothing in these Regulations shall apply to—

- (a) the enamelling of jewellery or watches ; or
- (b) the manufacture of stained glass ; or
- (c) enamelling by means of glazes or colours containing less than 1 per cent. of lead.

These Regulations shall come into force on 1st April, 1909.

Definitions.

In these Regulations—

“ Enamelling ” means crushing, grinding, sieving, dusting or laying on, brushing or woolling off, spraying, or any other process for the purpose of vitreous covering and decoration of metal or glass ;

“ Employed ” means employed in enamelling ;

“ Surgeon ” means the certifying factory surgeon of the district or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment

shall be subject to such conditions as may be specified in that certificate ;

“Suspension” means suspension by written certificate in the health register, signed by the surgeon, from employment in any enamelling process.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.—DUTIES OF EMPLOYERS.

1. Every room in which any enamelling process is carried on—
 - (a) shall contain at least 500 cubic feet of air space for each person employed therein, and in computing this air space no height above 14 feet shall be taken into account ;
 - (b) shall be efficiently lighted, and shall for this purpose have efficient means of lighting both natural and artificial.
2. In every room in which any enamelling process is carried on—
 - (a) the floors shall be well and closely laid, and be maintained in good condition ;
 - (b) the floors and benches shall be cleansed daily and kept free of collections of dust.
3. No enamelling process giving rise to dust or spray shall be done save either—
 - (a) under conditions which secure the absence of dust and spray ; or
 - (b) with an efficient exhaust so arranged as to intercept the dust or spray and prevent it from diffusing into the air of the room.
4. Except in cases where glaze is applied to a heated metallic surface, dusting or laying on, and brushing or woolling off, shall not be done except over a grid with a receptacle beneath to intercept the dust falling through.
5. If firing is done in a room not specially set apart for the purpose, no person shall be employed in any other process within 20 feet from the furnace.
6. Such arrangements shall be made as shall effectually prevent gases generated in the muffle furnaces from entering the work-rooms.
7. No child or young person under 16 years of age shall be employed in any enamelling process.
8. A health register, containing the name of all persons employed, shall be kept in a form approved by the Chief Inspector of Factories.
9. Every person employed shall be examined by the surgeon once in every three months (or at such other intervals as may be prescribed in writing by the Chief Inspector of Factories) on a date of which due notice shall be given to all concerned.

10. The surgeon shall have power of suspension as regards all persons employed, and no person after suspension shall be employed without written sanction from the surgeon entered in the health register.

11. There shall be provided and maintained for the use of all persons employed—

- (a) suitable overalls and head-coverings, which shall be collected at the end of every day's work, and be cleaned or renewed at least once every week ;
- (b) a suitable place, separate from the cloakroom and meal-room, for the storage of the overalls and head-coverings ;
- (c) a suitable cloakroom for clothing put off during working hours ;
- (d) a suitable mealroom separate from any room in which enamelling processes are carried on, unless the works are closed during meal hours.

12. There shall be provided and maintained in a cleanly state and in good repair, for the use of all persons employed, a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

- (a) a trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least two feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or
- (b) at least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed.

13. The occupier shall allow any of H.M. Inspectors of Factories to take at any time sufficient samples for analysis of any enamelling material in use or mixed for use.

Provided that the occupier may at the time when the sample is taken, and on providing the necessary appliances, require the inspector to take, seal and deliver to him a duplicate sample.

No results of any analysis shall be published without the consent of the occupier, except such as may be necessary to prove the presence of lead when there has been infraction of the Regulations.

PART II.—DUTIES OF PERSONS EMPLOYED.

14. Every person employed shall—

- (a) present himself at the appointed time for examination by the surgeon as provided in Regulation 9 ;
- (b) wear the overall and head-covering provided under Regulation 11 (a), and deposit them and clothing put off during working hours, in the places provided under Regulation 11 (b) and (c) ;

- (c) carefully clean the hands before partaking of any food or leaving the premises ;
 - (d) so arrange the hair that it shall be effectually protected from dust by the head-covering :
15. No person employed shall—
- (a) after suspension, work in any enamelling process without written sanction from the surgeon entered in the health register ;
 - (b) introduce, keep, prepare, or partake of any food, drink, or tobacco, in any room in which an enamelling process is carried on ;
 - (c) interfere in any way, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of dust or fumes, and for the carrying out of these Regulations.
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For the Generation, Transformation, Distribution and Use of Electrical Energy in Premises under the Factory and Workshop Acts, 1901 and 1907.

1908. No. 1312.

Whereas the generation, transformation, distribution, and use of electrical energy in any factory or workshop, or any place to which the provisions of section 79 of the Factory and Workshop Act, 1901, are applied by that Act, have been certified in pursuance of the said section to be dangerous :

I hereby, in pursuance of the powers conferred upon me by that Act, make the following Regulations, and direct that they shall apply in all places before mentioned.

These Regulations shall come into force on the 1st July, 1909, except as regards such parts of electrical stations as were constructed before the 1st July, 1908, in respect of which they shall come into force on the 1st January, 1910.

Duties.

It shall be the duty of the occupier to comply with these Regulations.

And it shall be the duty of all agents, workmen, and persons employed to conduct their work in accordance with these Regulations.

Definitions.

“Pressure” means the difference of electrical potential between any two conductors, or between a conductor and earth as read by a hot wire or electrostatic volt-meter.

“Low pressure” means a pressure in a system normally not exceeding 250 volts where the electrical energy is used.

“Medium pressure” means a pressure in a system normally above 250 volts, but not exceeding 650 volts, where the electrical energy is used.

“High pressure” means a pressure in a system normally above 650 volts, but not exceeding 3,000 volts, where the electrical energy is used or supplied.

“Extra-high pressure” means a pressure in a system normally exceeding 3,000 volts, where the electrical energy is used or supplied.

“System” means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electro-motive force.

“Conductor” means an electrical conductor arranged to be electrically connected to a system.

“Apparatus” means electrical apparatus, and includes all apparatus, machines, and fittings in which conductors are used, or of which they form a part.

“Circuit” means an electrical circuit forming a system or branch of a system.

“Insulating stand” means a floor, platform, stand, or mat	} of such size, quality, and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from danger.
“Insulating screen” means a screen	
“Insulating boots” means boots	
“Insulating gloves” means gloves	

“Covered with insulating material” means adequately covered with insulating material of such quality and thickness that there is no danger.

“Bare” means not covered with insulating material.

“Live” means electrically charged.

“Dead” means at, or about, zero potential, and disconnected from any live system.

“Earthed” means connected to the general mass of earth in such manner as will ensure at all times an immediate discharge of electrical energy without danger.

“Sub-station” means any premises, or that part of any premises, in which electrical energy is transformed or converted to or from pressure above medium pressure, except for the purpose of working instruments, relays, or similar auxiliary apparatus; if such premises or part of premises are large enough for a person to enter after the apparatus is in position.

“Switchboard” means the collection of switches or fuses, conductors, and other apparatus in connection therewith, used for the purpose of controlling the current or pressure in any system or part of a system.

“Switchboard passage-way” means any passage-way or compartment large enough for a person to enter, and used in connection with a switchboard when live.

“Authorised person” means (a) the occupier, or (b) a contractor for the time being under contract with the occupier, or (c) a person employed, appointed, or selected by the occupier, or by a contractor as aforesaid, to carry out certain duties incidental to the generation, transformation, distribution, or use of electrical energy, such

occupier, contractor, or person being a person who is competent for the purposes of the regulation in which the term is used.

“Danger” means danger to health or danger to life or limb from shock, burn, or other injury to persons employed, or from fire attendant upon the generation, transformation, distribution, or use of electrical energy.

“Public supply” means the supply of electrical energy (a) by any local authority, company, or person authorised by Act of Parliament or Provisional Order confirmed by Parliament or by licence or Order of the Board of Trade to give a supply of electrical energy ; or (b) otherwise under Board of Trade regulations.

Exemptions.

1. Nothing in Regulations 2, 3, 4, 7, 9, 10, 11, 15, 16, 17, 21, 22, 23, 24, 25, 26, 28, 29, 30, and 31 shall apply, unless on account of special circumstances the Secretary of State shall give notice to the occupier that this exemption does not apply—

- (a) To any system in which the pressure does not exceed low pressure direct or 125 volts alternating ;
- (b) In any public supply generating station, to any system in which the pressure between it and earth does not exceed low pressure ;
- (c) In any above-ground sub-station for public supply, to any system not exceeding low pressure.

2. Nothing in these Regulations shall apply to any service lines or apparatus on the supply side of the consumer’s terminals, or to any chamber containing such service lines or apparatus, where the supply is given from outside under Board of Trade regulations ; provided always that no live metal is exposed so that it may be touched.

3. If the occupier can show, with regard to any requirement of these Regulations, that the special conditions in his premises are such as adequately to prevent danger, that requirement shall be deemed to be satisfied ; and the Secretary of State may by Order direct that any class of special conditions defined in the Order shall be deemed for the purposes of all or any of the requirements of these Regulations adequately to prevent danger, and may revoke such Order.

4. Nothing in these Regulations shall apply to any process or apparatus used exclusively for electro-chemical or electro-thermal or testing or research purposes ; provided such process be so worked and such apparatus so constructed and protected and such special precautions taken as may be necessary to prevent danger.

5. The Secretary of State may, by Order, exempt from the operation of all or any of these Regulations any premises to which any special rules or regulations under any other Act as to the generation, transformation, distribution or use of electrical energy apply ; and may revoke such Order.

6. The Secretary of State may, if satisfied that safety is otherwise practically secured, or that exemption is necessary on the ground of emergency or special circumstances, grant such

exemption by Order, subject to any conditions that may be prescribed therein ; and may revoke such Order.

7. Nothing in these Regulations shall apply to domestic factories or domestic workshops.

REGULATIONS.

1. All apparatus and conductors shall be sufficient in size and power for the work they are called upon to do, and so constructed, installed, protected, worked and maintained as to prevent danger so far as is reasonably practicable.

2. All conductors shall either be covered with insulating material, and further efficiently protected where necessary to prevent danger, or they shall be so placed and safeguarded as to prevent danger so far as is reasonably practicable.

3. Every switch, switch fuse, circuit-breaker, and isolating link shall be : (a) so constructed, placed, or protected as to prevent danger ; (b) so constructed and adjusted as accurately to make and to maintain good contact ; (c) provided with an efficient handle or other means of working, insulated from the system, and so arranged that the hand cannot inadvertently touch live metal ; (d) so constructed or arranged that it cannot accidentally fall or move into contact when left out of contact.

4. Every switch intended to be used for breaking a circuit and every circuit breaker shall be so constructed that it cannot with proper care be left in partial contact. This applies to each pole of double-pole or multipole switches or circuit breakers.

Every switch intended to be used for breaking a circuit and every circuit-breaker shall be so constructed that an arc cannot accidentally be maintained.

5. Every fuse, and every automatic circuit-breaker used instead thereof, shall be so constructed and arranged as effectively to interrupt the current before it so exceeds the working rate as to involve danger. It shall be of such construction or be so guarded or placed as to prevent danger from over-heating, or from arcing or the scattering of hot metal or other substance when it comes into operation. Every fuse shall be either of such construction or so protected by a switch that the fusible metal may be readily renewed without danger.

6. Every electrical joint and connection shall be of proper construction as regards conductivity, insulation, mechanical strength and protection.

7. Efficient means, suitably located, shall be provided for cutting off all pressure from every part of a system, as may be necessary to prevent danger.

8. Efficient means suitably located shall be provided for protecting from excess of current every part of a system, as may be necessary to prevent danger.

9. Where one of the conductors of a system is connected to earth, no single-pole switch, other than a link for testing purposes or a switch for use in controlling a generator, shall be placed in such conductor or any branch thereof.

A switch, or automatic or other cut-out may, however, be placed in the connection between the conductor and earth at the generating station, for use in testing and emergencies only.

10. Where one of the main conductors of a system is bare and uninsulated, such as a bare return of a concentric system, no switch, fuse, or circuit-breaker shall be placed in that conductor, or in any conductor connected thereto, and the said conductor shall be earthed.

Nevertheless, switches, fuses, or circuit-breakers may be used to break the connection with the generators or transformers supplying the power; provided that in no case of bare conductor the connection of the conductor with earth is thereby broken.

11. Every motor, converter and transformer shall be protected by efficient means suitably placed, and so connected that all pressure may thereby be cut off from the motor, converter or transformer as the case may be, and from all apparatus in connection therewith; provided, however, that where one point of the system is connected to earth, there shall be no obligation to disconnect on that side of the system which is connected to earth.

12. Every electrical motor shall be controlled by an efficient switch or switches for starting and stopping, so placed as to be easily worked by the person in charge of the motor.

In every place in which machines are being driven by any electric motor, there shall be means at hand for either switching off the motor or stopping the machines if necessary to prevent danger.

13. Every flexible wire for portable apparatus, for alternating currents or for pressures above 150 volts direct current, shall be connected to the system either by efficient permanent joints or connections, or by a properly constructed connector.

In all cases where the person handling portable apparatus or pendant lamps with switches, for alternating current or pressures above 150 volts direct current, would be liable to get a shock through a conducting floor or conducting work or otherwise, if the metal work of the portable apparatus became charged, the metal work must be efficiently earthed; and any flexible metallic covering of the conductors shall be itself efficiently earthed and shall not itself be the only earth connection for the metal of the apparatus. And a lampholder shall not be in metallic connection with the guard or other metal work of a portable lamp.

In such places and in any place where the pressure exceeds low pressure, the portable apparatus and its flexible wire shall be controlled by efficient means suitably located, and capable of cutting off the pressure, and the metal work shall be efficiently earthed independently of any flexible metallic cover of the conductors, and any such flexible covering shall itself be independently earthed.

14. The general arrangement of switchboards shall, so far as reasonably practicable, be such that—

(a) All parts which may have to be adjusted or handled are readily accessible.

- (b) The course of every conductor may where necessary be readily traced.
- (c) Conductors, not arranged for connection to the same system, are kept well apart, and can where necessary be readily distinguished.
- (d) All bare conductors are so placed or protected as to prevent danger from accidental short circuit.

15. Every switchboard having bare conductors normally so exposed that they may be touched, shall, if not located in an area or areas set apart for the purposes thereof, where necessary be suitably fenced or enclosed.

No person except an authorised person, or a person acting under his immediate supervision, shall for the purpose of carrying out his duties have access to any part of an area so set apart.

16. All apparatus appertaining to a switchboard and requiring handling, shall so far as practicable be so placed or arranged as to be operated from the working platform of the switchboard, and all measuring instruments and indicators connected therewith shall, so far as practicable, be so placed as to be observed from the working platform. If such apparatus be worked or observed from any other place, adequate precautions shall be taken to prevent danger.

17. At the working platform of every switchboard and in every switchboard passage-way, if there be bare conductors exposed or arranged to be exposed when live so that they may be touched, there shall be a clear and unobstructed passage of ample width and height, with a firm and even floor. Adequate means of access, free from danger, shall be provided for every switchboard passage-way.

The following provisions shall apply to all such switchboard working platforms and passage-ways constructed after January 1st, 1909, unless the bare conductors, whether overhead or at the sides of the passage-ways, are otherwise adequately protected against danger by divisions or screens or other suitable means :

- (a) Those constructed for low-pressure and medium-pressure switchboards shall have a clear height of not less than 7 ft., and a clear width measured from bare conductor of not less than 3 ft.
- (b) Those constructed for high-pressure and extra high-pressure switchboards, other than operating desks or panels working solely at low pressure, shall have a clear height of not less than 8 ft. and a clear width measured from bare conductor of not less than 3 ft. 6 in.
- (c) Bare conductors shall not be exposed on both sides of the switchboard passage-way unless either (i) the clear width of the passage is in the case of low pressure and medium pressure not less than 4 ft. 6 in., and in the case of high pressure and extra high pressure not less than 8 ft., in each case measured between bare conductors, or (ii) the conductors on one side are so guarded that they cannot be accidentally touched.

18. In every switchboard for high pressure or extra high pressure :

- (a) Every high-pressure and extra high-pressure conductor within reach from the working platform or in any switchboard passage-way shall be so placed or protected as adequately to prevent danger.
- (b) The metal cases of all instruments working at high pressure or extra high pressure shall be either earthed or completely enclosed with insulating covers.
- (c) All metal handles of high-pressure and extra high-pressure switches, and, where necessary to prevent danger, all metal gear for working the switches, shall be earthed.
- (d) When work has to be done on any switchboard, then, unless the switchboard be otherwise so arranged as to secure that the work may be carried out without danger, either (i) the switchboard shall be made dead, or (ii) if the said switchboard be so arranged that the conductors thereof can be made dead in sections, and so separated by permanent or removable divisions or screens from all adjoining sections of which the conductors are live, that work on any section may be carried out without danger, that section on which work has to be done shall be made dead.

19. All parts of generators, motors, transformers, or other similar apparatus, at high pressure or extra high pressure, and within reach from any position in which any person employed may require to be, shall be, so far as reasonably practicable, so protected as to prevent danger.

20. Where a high-pressure or extra high-pressure supply is transformed for use at a lower pressure, or energy is transformed up to above low pressure, suitable provision shall be made to guard against danger by reason of the lower-pressure system becoming accidentally charged above its normal pressure by leakage or contact from the higher-pressure system.

21. Where necessary to prevent danger, adequate precautions shall be taken either by earthing or by other suitable means to prevent any metal other than the conductor from becoming electrically charged.

22. Adequate precautions shall be taken to prevent any conductor or apparatus from being accidentally or inadvertently electrically charged when persons are working thereon.

23. Where necessary adequately to prevent danger, insulating stands or screens shall be provided and kept permanently in position, and shall be maintained in sound condition.

24. Portable insulating stands, screens, boots, gloves, or other suitable means shall be provided and used when necessary adequately to prevent danger, and shall be periodically examined by an authorised person.

25. Adequate working space and means of access, free from danger, shall be provided for all apparatus that has to be worked or attended to by any person.

26. All those parts of premises in which apparatus is placed shall be adequately lighted to prevent danger.

27. All conductors and apparatus exposed to the weather, wet, corrosion, inflammable surroundings or explosive atmosphere, or used in any process or for any special purpose other than for lighting or power, shall be so constructed or protected, and such special precautions shall be taken as may be necessary adequately to prevent danger in view of such exposure or use.

28. No person except an authorised person or a competent person acting under his immediate supervision shall undertake any work where technical knowledge or experience is required in order adequately to avoid danger ; and no person shall work alone in any case in which the Secretary of State directs that he shall not. No person except an authorised person, or a competent person over 21 years of age acting under his immediate supervision, shall undertake any repair, alteration, extension, cleaning, or such work where technical knowledge or experience is required in order to avoid danger, and no one shall do such work unaccompanied.

Where a contractor is employed, and the danger to be avoided is under his control, the contractor shall appoint the authorised person, but if the danger to be avoided is under the control of the occupier, the occupier shall appoint the authorised person.

29. Instructions as to the treatment of persons suffering from electric shock shall be affixed in all premises where electrical energy is generated, transformed, or used above low pressure ; and in such premises, or classes of premises, in which electrical energy is generated, transformed or used at low pressure, as the Secretary of State may direct.

30. Every sub-station shall be substantially constructed, and shall be so arranged that no person other than an authorised person can obtain access thereto otherwise than by the proper entrance, or can interfere with the apparatus or conductors therein from outside ; and shall be provided with efficient means of ventilation and be kept dry.

31. Every sub-station shall be under the control of an authorised person, and none but an authorised person or a person acting under his immediate supervision shall enter any part thereof where there may be danger.

32. Every underground sub-station not otherwise easily and safely accessible shall be provided with adequate means of access by a door or trap-door, with a staircase or ladder securely fixed and so placed that no live part of any switchboard or any bare conductor shall be within reach of a person thereon : Provided however that the means of access to such sub-station shall be by a doorway and staircase (a) if any person is regularly employed therein, otherwise than for inspection or cleaning, or (b) if the sub-station is not of ample dimensions and there is therein either moving machinery other than ventilating fans, or extra high pressure.

VOLUNTARY REGULATIONS.

(N.B.—*The following regulations, which should be carefully distinguished from those made by the Secretary of State under his statutory powers, are recommended by the Home Office for adoption in the factories to which they refer.*)

Wall Paper Manufacture.

REGULATIONS.

The following Regulations are approved by the Home Office and are applicable to every part of the factory in which any of the following dusty processes is carried on :

Dry bronzing, dusting off.

Flocking.

Mica dusting, dusting off.

Brushing or polishing in satin work.

1. No child or young person under sixteen of either sex shall be employed.

2. The employers will take measures to secure, as far as lies in their power, that no food or drink is brought into the workroom, or consumed there.

3. The employers will provide lavatories and baths for the use of the workers, with hot and cold water laid on to each basin, soap, nailbrushes, towels. One basin will be provided for every five persons employed in the processes named, and one bath for every ten such persons.

4. The employers will take measures to secure, as far as lies in their power, that every worker—

(a) shall wash hands and face before meals and before leaving the works ;

(b) shall take a bath once a week.

5. The employers will supply suitable washable respirators, to be changed not less than thrice a week.

6. The employers will supply, and cause to be washed at least once a week, suitable overalls and head-coverings, of such a material and colour as to show the dust.

7. The employers will supply to each person engaged in bronzing or dusting off bronze, half-a-pint of milk at 11 a.m. daily and half-a-pint at 4.30 p.m. daily.

8. The employers will keep a register of all persons employed and will make arrangements with the certifying surgeon—

- (a) To examine at the factory every three months, and at any other time if so directed by one of H.M. Inspectors, all persons working in the parts of the factory in which any of the dusty processes are carried on.
- (b) To enter in the register the dates and results of the examinations and particulars of any requirement made by him.
- (c) To forward to H.M. Inspector for the district notice of any case of illness attributable to the processes to which these regulations refer.
- (d) To suspend from employment in the named processes any person whose health is found to be endangered thereby.

9. The employers will provide a fan (with suitable suction pipes or other appliances for carrying off dust) in any dusty process which in the opinion of H.M. Inspectors is injurious or likely to be injurious to health.

10. The employers will take every practicable measure to prevent work in drying flues or drying rooms, and to secure by the use of mechanical or other methods of ventilation, a cool and healthy atmosphere in all workrooms, especially those places known as machine rooms in which patterns are printed, or ground colours laid on papers, by the use of machinery worked by mechanical power.

Bronzing.

The following precautions are necessary in every room in which
bronzing or dusting off is done :

- 1. No person under sixteen years of age should be employed.
- 2. No food or drink should be brought into the room or consumed there.
- 3. Twice daily, say at 11 a.m. and 4.30 p.m., half-a-pint of milk should be supplied to each person employed.
- 4. Lavatories should be provided, with hot and cold water laid on, soap, nailbrushes and towels. There should be one basin for every five persons. Baths are desirable if bronzing is done on a large scale.
- 5. Every person employed should always wash hands before meals and before leaving work. Time should be allowed for this.
- 6. Suitable washable respirators should be provided and worn, and washed or renewed not less than thrice a week. Respirators of woven woollen material of open texture are recommended.

7. Suitable overalls and head coverings, of such a colour as to show the bronze, should be provided and worn, and should be washed or renewed at least once a week.

8. There should be provided for the use of persons employed :

(a) A suitable place in which they may change and leave their clothes.

(b) A suitable room in which those remaining on the premises can take their meals.

9. The escape of dust in the process of bronzing and dusting off should be prevented as far as possible by the use of closed machines and efficient local exhaust ventilation, carrying away any dust that may escape as near as possible to the point of origin, without allowing it to enter the air of the room.

10. The floor should be swept frequently and should be well and closely laid and maintained in good condition.

11. A register of persons employed in the room should be kept. Arrangements should be made with the certifying surgeon to examine them, at the works, every three months : to enter in the register the dates and results of examination : and to suspend from employment in the room any person whose health is found to be endangered thereby.

Tar Distilling.

The following Regulations are approved by the Home Office and are applicable to factories in which is carried on the distillation of tar for the production of naphtha, light oil, creosote oil, and pitch :

1. All uncovered tar reservoirs, wells, and tanks, unless constructed so as to be at least three feet in height above the ground or platform, should be securely fenced, with either a brick wall or double rails, to the height of three feet.

2. During the process of cleaning, every tar still should be completely isolated from adjoining tar stills either by disconnecting the pipe leading from the swan neck to the condenser worm, or by disconnecting the waste gas pipe fixed to the worm end or receiver. Blank flanges should be inserted between the disconnections. In addition, the pitch discharge pipe or cock at the bottom of the still should be disconnected.

3. Every tar still should be ventilated and allowed to cool before persons are allowed to enter.

4. Every tar still should be inspected by the foreman or other responsible person before any workman is allowed to enter.

5. The inspecting foreman on first entering any tar still or tank, and all persons employed in tar stills or tanks in which there are no cross stays or obstructions likely to cause entanglement, should be provided with a belt securely fastened round the body, with a rope attached, the free end being left with two men outside whose sole duty should be to watch and draw out any person appearing to be affected by gas. The belt and rope should be adjusted and worn in such a manner that the wearer can be drawn up head foremost and through the man-hole and not across it.

6. A bottle of compressed oxygen, with mouthpiece, should be kept at all times ready for use ; and printed instructions as to the use of this bottle, and the method to be employed for resuscitation by means of artificial respiration, should be kept constantly affixed. A draft of such instructions is appended.

7. A supply of suitable chemical respirators properly charged and in good condition should be kept ready for use in case of emergency arising from sulphuretted hydrogen or certain poisonous gases. (Granules of carbon saturated with a solution of caustic soda readily absorb sulphuretted hydrogen and may be used for charging respirators.)

8. The use of naked lights should be strictly prohibited in any portion of the works where gas of an inflammable nature is liable to be given off.

9. Each still should be provided with a proper safety valve, which should at all times be kept in efficient working condition.

GASSING.

When a person becomes insensible or seriously affected by gas he should be removed into fresh air, kept as warm as possible, and oxygen should be administered. Medical aid should be sent for at once. If the breathing has stopped, artificial respiration must be resorted to without the slightest delay, and oxygen should also be administered as speedily as possible. Instructions are appended.

Artificial Respiration.—Place the person on his back, slightly raising the shoulders with a folded coat ; remove everything tight about the chest and neck ; draw the tongue forward and maintain it in that position. Grasp the arms just above the elbows and draw them steadily above the head, keeping them on the stretch for two seconds, then reverse the movement, and press the arms firmly downwards against the sides of the chest for two seconds ; repeat these movements about fifteen times a minute for at least half-an-hour, or until natural breathing has been initiated, It is well to continue artificial respiration for a short time, even after natural breathing has been established.

Administration of Oxygen.—The cylinder should be provided with a piece of rubber gas-tubing, at the end of which is a glass or metal mouthpiece. The glass tube must always be taken out of the mouth if any alteration in the pressure of the gas has to be made.

Turn on the valve gradually until the oxygen flows in a gentle stream sufficient to allow of its being inhaled without admixture of air. Fix the rubber-tubing to the nozzle of the cylinder, place the glass tube in the mouth and allow the oxygen to be breathed until relief is obtained.

If the person is unconscious, the nostrils should be closed during inspiration, so that the oxygen may be inhaled as pure as possible through the mouth.



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